THE
NORTHERN IRELAND LAW REPORTS

The Public General Statutes

PASSED BY THE PARLIAMENT OF

NORTHERN IRELAND

Laws, statutes, e

IN THE SIXTEENTH AND SEVENTEETH YEAR

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH.

1926.

VOL. VI.

STANFORD LIBRARY

Belfast:

Printed by R. Carswell & Son, Limited.

FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E.,
THE OFFICER APPOINTED TO PRINT THE ACTS
OF THE PARLIAMENT OF NORTHERN IRELAND

AND

PUBLISHED BY THE COUNCIL OF LAW REPORTING, LAW LIBRARY
LAW COURTS, BELFAST.

1927

Digitized by Google

95

372766

STAMFORD LIBRARY

Digitized by Google

TABLE I

A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS OF 1926

being the Acts passed in the SECOND SESSION of the SECOND PARLIAMENT OF NORTHERN IRELAND.

16 GEO. 5.—A.D. 1926.

16 & 17 GEO. 5.—A.D. 1926.

16 GEO. 5.

1. An Act to confirm and give effect to an agreement made between the Treasury of the United Kingdom and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequers of the United Kingdom and Northern Ireland with respect to unemployment insurance, and for purposes connected therewith. (*Unemployment Insurance (Agreement).*)

2. An Act to prolong the time for the operation of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments. (*Housing.*)

3. An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1925, by increasing the amount of loans which may be guaranteed under the said Acts and extending the period for giving guarantees thereunder, and to authorise the Ministry of Finance to contribute towards the interest on certain loans guaranteed under the said Acts. (*Loans Guarantee.*)

4. An Act to make provision with respect to the administration of the public services transferred to the Government of Northern Ireland by virtue of the Ireland (Confirmation of Agreement) Act, 1925, and for purposes connected therewith. (*Administrative Provisions.*)

5. An Act to amend section seven and sub-section (2) of section nineteen of the Pharmacy and Poisons Act (Northern Ireland), 1925. (*Pharmacy (Temporary Provisions).*)

Digitized by Google

6. An Act to amend section fourteen of the Municipal Corporations (Ireland) Act, 1840, and for purposes connected therewith. [30th March, 1926.] (*Municipal Corporations.*)

7. An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and twenty-six, and the thirty-first day of March, nineteen hundred and twenty-seven. (*Consolidated Fund.*)

16 & 17 GEO. 5.

8. An Act to make provision for the protection of the community in Northern Ireland in cases of emergency. (*Emergency Powers.*)

9. An Act to make provision for facilitating the working of Minerals, and for imposing restrictions on the working of Minerals required for the support of buildings and works; to amend the Law with respect to Mines; and for purposes connected therewith. (*Mines (Working Facilities, Support, &c.)*)

10. An Act to confirm and give effect to an Agreement for the deduction from the Northern Ireland residuary share of reserved taxes of the amount of certain increases made under an Act of the Parliament of the United Kingdom in respect of pensions deductible from the said share; to raise the percentages by which certain other pensions may be increased under the Pensions (Increase) Act, 1920; to permit the payment of increased pensions under the said Pensions (Increase) Act to pensioners residing outside the British Islands; and for purposes connected therewith. (*Pensions (Increase).*)

11. An Act to make provision for reducing in respect of certain services the charges on public funds and for increasing, by means of the payment into the Exchequer of Northern Ireland of certain sums and otherwise, the funds available for meeting such charges, and to amend accordingly the law relating to national health insurance, unemployment insurance, petty sessions funds and local government, and for purposes related or incidental to the matters aforesaid. (*Economy (Exchequer Relief).*)

12. An Act to amend and extend the law relating to ancient monuments, and to make provision for the preservation of objects of archaeological interest; and for other purposes in connection therewith. (*Ancient Monuments.*)

13. An Act to alter the constitution of the Senate of the Queen's University of Belfast. (*Queen's University of Belfast.*)

14. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

Digitized by Google

15. An Act to amend the Laws relating to Juries in Northern Ireland. (*Jury Laws Amendment.*)

16. An Act to enable the Pension Fund (Northern Ireland) established for the purposes of the National School Teachers (Ireland) Act, 1879, and certain other funds to be amalgamated and applied for the purposes of superannuation schemes for teachers, and to provide for the inclusion of further provisions in such schemes, and for purposes connected therewith. (*Teachers' Superannuation.*)

17. An Act to amend the Firearms Act, 1920, in its application to Northern Ireland. (*Firearms (Amendment).*)

18. An Act to extend the periods of operation of section one and of sub-section (2) of section three of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1924, and of sub-section (1) of section four of the Unemployment Insurance Act (Northern Ireland), 1925. (*Unemployment Insurance.*)

19. An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, by increasing the amount of loans which may be guaranteed under the said Acts and extending the period for giving gaurantees thereunder. (*Loans Guarantee (No. 2).*)

20. An Act to continue certain Expiring Laws as respects Northern Ireland. (*Expiring Laws Continuance.*)

21. An Act to amend section eleven of the Industrial Assurance Act (Northern Ireland), 1924, with respect to the exemption from that Act of juvenile societies. (*Industrial Assurance (Juvenile Societies).*)

22. An Act to confirm and give effect to an agreement relating to the transfer of the Malone Training School to the Ministry of Home Affairs for the purposes of a Reformatory School and a Borstal Institution, and for purposes connected therewith. (*Malone Training School.*)

23. An Act to prolong further the time for the operation of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments. (*Housing (No. 2).*)

24 An Act to amend the law relating to Stamp Duty in certain cases, and to re-enact, with amendments, the enactments charging Stamp Duty upon certain Instruments and provide for the application of the proceeds thereof. (*Finance (Stamp Duty).*)

25. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and to appropriate the further Supplies granted in this Session of Parliament. (*Appropriation (No. 2).*)

Digitized by Google

26. An Act to remove doubts as to the powers of local authorities to make certain payments for the purposes of section one of the Local Government (Emergency Provisions) Act, 1916. (*Local Government* (*War Service Payments*).)

27. An Act to amend certain enactments relating to Government Loans, Consolidated Fund charges and Exchequer borrowing, the audit of accounts, and the salary and superannuation of the Comptroller and Auditor-General for Northern Ireland. (*Exchequer and Financial Provisions.*)

28. An Act to provide for the better marketing of eggs, and for that purpose to amend and extend certain provisions of the Marketing of Eggs Act (Northern Ireland), 1924. (*Marketing of Eggs.*)

29. An Act to regulate the exhibition and training of performing animals; to provide for the further protection of birds; and to amend the Protection of Animals Act, 1911. (*Protection of Animals* (*Miscellaneous Provisions*).)

30. An Act to make further provision for the licensing of stallions in Northern Ireland, and for purposes connected therewith. (*Horse Breeding.*)

31. An Act to make further provision with respect to the use of mechanically propelled vehicles on public highways, and with respect to the licensing and regulation of certain classes of such vehicles and their drivers and conductors, and for purposes related or incidental to the matters aforesaid. (*Motor Vehicles* (*Traffic and Regulation*).)

Digitized by Google

NORTHERN IRELAND.

THE PUBLIC GENERAL STATUTES OF 1926

[16 GEO. 5]

CHAPTER 1.

An Act to confirm and give effect to an agreement made between the Treasury of the United Kingdom and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequers of the United Kingdom and Northern Ireland with respect to unemployment insurance, and for purposes connected therewith. [23rd March, 1926.]

A.D 1926.

WHEREAS, with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland, per head of population, in respect of unemployment insurance, the Treasury of the United Kingdom and the Ministry of Finance for Northern Ireland have entered into the agreement set forth in the schedule to this Act, and it is expedient that the said agreement should be confirmed and that provision should be made for or with respect to the payment of such sums as may be payable out of or into the Exchequer of Northern Ireland thereunder, and for other matters arising in relation to the Northern Irish unemployment fund by reason of the said agreement:

Digitized by Google

A.D. 1926.

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Confirmation of scheduled agreement.

1. The agreement set forth in the schedule to this Act (in this Act referred to as "the scheduled agreement") is hereby confirmed and shall have effect as if enacted in this Act.

Contributions to the Exchequer of the United Kingdom.

2. Any sums certified by the Joint Exchequer Board to be payable under the scheduled agreement by the Exchequer of Northern Ireland to the Exchequer of the United Kingdom shall be charged on and paid out of the Consolidated Fund of Northern Ireland or the growing produce thereof.

Payments from Exchequer of Northern Ireland to Northern Irish unemployment fund.

3.—(1) There shall, in respect of each financial year to which the scheduled agreement applies, be paid out of moneys provided by the Parliament of Northern Ireland to the Northern Irish unemployment fund (in this Act referred to as "the unemployment fund"), in addition to any other contributions payable into the unemployment fund by the Exchequer of Northern Ireland, such amount (if any) as may be certified by the Ministry of Finance to be equal to the equalisation payment, as defined in and determined in accordance with the scheduled agreement, for such financial year (which amount is in this Act referred to as "the Exchequer equalisation grant").

(2) Payments may be made out of moneys provided as aforesaid to the unemployment fund on account of the Exchequer equalisation grant in such manner and at such times as may be prescribed under this Act.

Provisions as to the unemployment fund.

4.—(1) The unemployment fund shall comprise a suspense account and a current account.

(2) The suspense account of the unemployment fund shall show so much of the liability of that fund, in respect of advances repayable to the Exchequer of Northern Ireland, as is equal to the sum which would have been required to be paid into that fund as at the thirtieth day of September, nineteen hundred and twenty-five, in order to bring it into a state of parity

Digitized by Google

A.D. 1926.

with the unemployment fund of Great Britain according to the principles of the scheduled agreement, if that agreement had applied to the period beginning on the date of the establishment of the first-mentioned fund and ending on the said day (which sum is in this Act referred to as "the excess debt"); and, in calculating the amount of the excess debt, account shall be taken of all such receipts and expenditure as may be certified by the Ministry of Finance to relate to the period hereinbefore mentioned.

(3) The current account of the unemployment fund shall operate as from the first day of October, nineteen hundred and twenty-five, and shall show as a liability of the unemployment fund the amount of the difference between the total advances due to be repaid by that fund to the Exchequer of Northern Ireland and the excess debt. As from the said day, the current account shall be credited with all such income, and debited with all such expenditure, as are authorised by or under the enactments relating to unemployment insurance (including this Act); and, in addition, the current account shall be liable to pay to the said Exchequer interest on advances made from the said Exchequer to the unemployment fund before the said day.

(4) The suspense account of the unemployment fund shall not be taken into calculation for the purpose of determining—

(*a*) the date of the expiration of the deficiency period as defined in section sixteen of the Unemployment Insurance (No. 2) Act, 1921; 11 & 12 Geo. 5, c. 15.

(*b*) the date of the end of the extended period as defined in section three of the Unemployment Insurance Act (Northern Ireland), 1925; or 15 & 16 Geo. 5, c. 22.

(*c*) the amount of the 1925 debt as defined in the last-mentioned enactment.

Advances by Ministry of Finance for unemployment fund.

5.—(1) The Ministry of Finance may, out of the Consolidated Fund of Northern Ireland or the growing produce thereof, advance any sums required for the purpose of discharging the liabilities of the current account of the unemployment fund:

Digitized by Google

A.D. 1926.

Provided that the total amount of advances so made and outstanding at any time shall not exceed one million pounds.

(2) This section shall come into operation on the first day of April, nineteen hundred and twenty-six, and as from the said day no advances shall be made to the unemployment fund except such as are authorised by this section.

Regulations by Ministry of Finance.

6. The Ministry of Finance may, after consultation with the Ministry of Labour, make regulations prescribing the manner in which and the times at which payments may be made on account of the Exchequer equalisation grant, and such other regulations as may be necessary or proper for giving effect to this Act and the scheduled agreement.

Short title.

7. This Act may be cited as the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926.

SCHEDULE.

AGREEMENT MADE BETWEEN THE TREASURY AND THE MINISTRY OF FINANCE FOR NORTHERN IRELAND WITH A VIEW TO ASSIMILATING THE BURDENS ON THE EXCHEQUER OF THE UNITED KINGDOM AND ON THE EXCHEQUER OF NORTHERN IRELAND IN RESPECT OF UNEMPLOYMENT INSURANCE.

The Treasury and the Ministry of Finance for Northern Ireland, with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland, per head of populations, in respect of unemployment insurance, have entered into the following agreement :

1. There shall in respect of each financial year be ascertained the surplus or deficiency of the unemployment funds of Great Britain and Northern Ireland, and the amount required to be paid into the the fund which is, as compared with the other fund, in the less favourable position, in order to bring the funds into a state of parity in respect of that year, on the basis of the insured populations of Great Britain and Northern Ireland, respectively.

The fund which is in the less favourable position is hereinafter referred to as "the poorer fund."

The payment required to be made into the poorer fund in order to bring it into such a state of parity as aforesaid is hereinafter referred to as "the equalisation payment."

Digitized by Google

A.D. 1926.

The surplus or deficiency of an unemployment fund in respect of any financial year shall be ascertained by comparing the receipts of the fund on income account in that year, excluding any sums paid into the fund during the year on account of the equalisation payment under this agreement or by way of advances from the Exchequer, with the expenditure from the fund on income account in the year, including the amount paid for that year by way of interest on advances from the Exchequer made to that fund in that or any previous year and for the time being outstanding, but excluding any sums paid by way of repayment of advances from the Exchequer.

2. If as respects any year there is paid into the poorer fund by way of grant from the Exchequer of the country to which that fund belongs, in addition to any other contributions payable into that fund from that Exchequer, an amount equal to the equalisation payment, there shall be paid into that Exchequer from the Exchequer of the other country, a contribution calculated in manner hereinafter appearing.

3. The contribution from one Exchequer to the other in respect of a financial year shall be a sum equal to three-fourths of such sum as may be required to equalise per head of the population of the respective countries the payments from the Exchequers of the respective countries into their respective unemployment funds in respect of that year (excluding any payments on account of advances from those Exchequers to their respective unemployment funds but including, in the case of the country to which the poorer fund belongs, the amount of the equalisation payment).

4. There may be paid from time to time from the Exchequer of the country to which an unemployment fund belongs into that fund sums on account of the equalisation payment which may ultimately be found to be due to that fund, and where any such payment on account is made from an Exchequer, there shall be paid to that Exchequer from the Exchequer of the other country on account of the contribution which may ultimately be found to be due such sum as the Joint Exchequer Board may determine to be proper.

5. If at any time the classes of persons insured, the rates of contribution or the rates or conditions of benefit differ in the two countries, there shall be made such adjustments in the amount of the equalisation payment and the contribution from one Exchequer to the other as the Joint Exchequer Board, after consulting the Government Actuary, consider just.

6.—(1) If at any time the proportion of the receipts of an unemployment fund which may be applied as an appropriation in aid of moneys provided by Parliament for the purpose of administrative expenses differs in the two countries, and by reason thereof the proportion of the receipts so applied in one country exceeds the amount which might have been so applied if the proportions had been the same, the amount of such excess shall, for the purpose of determining the surplus or deficiency of that fund, not be treated as expenditure from that fund.

Digitized by Google

A.D. 1926.

(2) The sums paid into an unemployment fund on account of the equalisation payment under this agreement shall not be treated as receipts of the fund in determining the amount which may be paid as an appropriation in aid of moneys provided by Parliament for the purpose of administrative expenses.

7. Any question arising under this agreement as to the amount of any equalisation payment or of a contribution from one Exchequer to the other, or otherwise, shall be determined by the Joint Exchequer Board, whose decision shall be final.

8. For the purposes of this agreement in relation to any financial year—

(*a*) the populations of Great Britain and Northern Ireland respectively shall be deemed to be such as may be certified by the Registrar-General, after consultation with the Registrar-General for Scotland, and by the Registrar-General of Northern Ireland, respectively, to be in their opinion the population on the thirtieth day of June in that year:

(*b*) the expression "insured population" means the number of persons certified by the Minister of Labour and the Ministry of Labour for Northern Ireland, respectively, with the concurrence of the Government Actuary as being in their opinion the number of persons insured under the enactments relating to unemployment insurance in Great Britain and Northern Ireland, respectively, on the thirtieth day of June in that year (excluding persons insured under any special scheme made under any of those enactments).

9. This agreement shall not come into operation until confirmed by Acts of the Parliaments of the United Kingdom and Northern Ireland, but upon being so confirmed shall apply as from the first day of October, nineteen hundred and twenty-five, until the thirty-first day of March, nineteen hundred and thirty.

10. For the purposes of this agreement, the period from the first day of October, nineteen hundred and twenty-five, to the thirty-first day of March, nineteen hundred and twenty-six, shall be deemed to be a financial year; and in relation to that period the period from the first day of April to the thirtieth day of September, nineteen hundred and twenty-five, shall be deemed to be a previous year, and references in paragraphs (*a*) and (*b*) of Article 8 of this agreement to the thirtieth day of June in a year shall be construed as references to the thirtieth day of June, nineteen hundred and twenty-five.

(*Signed*)]
H. M. POLLOCK.

(*Signed*)
WINSTON S. CHURCHILL.
FREDERICK CHARLES THOMSON.

10th February 1926.

Digitized by Google

CHAPTER 2.

A.D. 1926.

An Act to prolong the time for the operation of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments. 30th March, 1926.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 1 of 13 & 14 Geo. 5, c. 30, as to conditions for grants in respect of construction of houses 14 & 15 Geo 5, c. 28. 15 & 16 Geo. 5, c. 13.

1.—(1) Section one of the Housing Act (Northern Ireland), 1923, as amended by the Housing Acts Amendment Act (Northern Ireland), 1924, and by the Housing Act (Northern Ireland), 1925, shall have effect as if in paragraph (c) of sub-section (3) of that section for the words " first day of April, nineteen hundred and twenty-six, " there were substituted the words " first day of April, nineteen hundred and twenty-seven."

(2) A general resolution in force in the area of a local authority or in a rural district immediately before the passing of this Act shall, in so far as the local authority or council, by whom the resolution was adopted, expressly so determine (but not otherwise), have effect so as to apply to houses in respect of whose construction the Ministry of Home Affairs has power to make grants by virtue of sub-section (1) of this section ; and, where the resolution was passed by a county council, such determination shall not be arrived at except upon the application of the council of the rural district within which the general resolution is in force.

(3) In this section the expression " general resolution " means a general resolution adopted—

(*a*) by a local authority or rural district council under sub-section (9) of section one of the Housing Act (Northern Ireland), 1923 ; or

(*b*) by a local authority or county council under section three of the Housing Act (Northern Ireland), 1925.

Digitized by Google

A.D. 1926.

Short title and construction.

2. This Act may be cited as the Housing Act (Northern Ireland), 1926, and shall be construed as one with the Housing Act (Northern Ireland), 1923; and this Act and the Housing Acts (Northern Ireland), 1890 to 1925, may be cited together as the Housing Acts (Northern Ireland), 1890 to 1926.

CHAPTER 3.

An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1925, by increasing the amountof loans which may be guaranteed under the said Acts and extending the period for giving guarantees thereunder, and to authorise the Ministry of Finance to contribute towards the interest on certain loans guaranteed under the said Acts. [30th March, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 12 & 13 Geo. 5, c. 24, 13 & 14 Geo. 5, c. 15, s. 9 of 13 & 14 Geo. 5, c. 26, 14 Geo. 5, c. 2, and 15 Geo. 5, c. 2.

1.—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under sub-section (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922 (in this Act referred to as "the principal Act"), as amended by subsequent enactments of the Loans Guarantee Acts (Northern Ireland), 1922 to 1925, shall be increased from six million pounds to seven million pounds.

(2) The power to give guarantees under the said section one of the principal Act may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and twenty-seven.

Power of Ministry of Finance to contribute towards interest on certain guaranteed loans.

2.—(1) Where the principal or interest of any loan to which this section applies has been guaranteed by the Ministry of Finance under section one of the principal Act, the said Ministry may undertake to pay to the lender—

(*a*) such proportion, not exceeding one-tenth, of any interest payable during the currency of

Digitized by Google

A.D. 1926.

the loan as may be prescribed by the said Ministry; or

(*b*) in lieu of the interest payment referred to in paragraph (*a*) of this sub-section, such capital sum, not in excess of the value of such interest payment, as the said Ministry may determine.

(2) A loan to which this section applies is a loan proposed to be raised for expenditure in Northern Ireland, or such part of a loan as is proposed to be raised for such expenditure.

(3) Such sums as may from time to time be required by the Ministry of Finance for fulfilling any undertaking given by the said Ministry under this section shall be paid out of moneys provided by Parliament.

(4) The Ministry of Finance shall, as soon as may be after the expiration of each year during which undertakings may be given under this section, lay before both Houses of Parliament a statement of the amounts payable under the undertakings so given during that year.

Short title and citation.

3. This Act may be cited as the Loans Guarantee Act (Northern Ireland), 1926; and the Loans Guarantee Acts (Northern Ireland), 1922 to 1925, and this Act may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1926.

CHAPTER 4.

An Act to make provision with respect to the administration of the public services transferred to the Government of Northern Ireland by virtue of the Ireland (Confirmation of Agreement) Act, 1925, and for purposes connected therewith.

[30th March, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Digitized by Google

A.D. 1926.

General Provisions as to Transferred Powers.

Exercise of executive powers of Council of Ireland.

10 & 11 Geo. 5, c. 67. 15 & 16 Geo. 5, c. 77.

1.—(1) The powers which, in pursuance of subsection (2) of section ten of the Government of Ireland Act, 1920, as amended by the Ireland (Confirmation of Agreement) Act, 1925, become, as from the first day of April, nineteen hundred and twenty-six (in this Act referred to as "the appointed day"), powers of the Government of Northern Ireland shall, subject to the provisions of this Act, be exerciseable as follows:—

(*a*) The powers with respect to railways and fisheries shall be exerciseable by the Ministry of Commerce;

(*b*) the powers with respect to the contagious diseases of animals shall be exerciseable by the Ministry of Agriculture.

12 Geo. 5, c. 6.

(2) The provisions of the Ministries of Northern Ireland Act, 1921 [N.I.] and of any other enactment of the Parliament of Northern Ireland making general provision with respect to the administration of public services by departments and officers of the Government of Northern Ireland shall apply, in connection with the exercise of powers and the performance of duties to which this section relates, to the exclusion of any corresponding provisions contained in the enactments applicable in connection therewith immediately before the appointed day.

(3) The enactments relating to or affecting Irish services in connection with railways, fisheries and the contagious diseases of animals, and in force immediately before the appointed day, shall, in their application to Northern Ireland, have effect subject to the provisions of this Act, and, in particular, subject to the adaptations and modifications set out in the Schedule to this Act, and to such further adaptations and modifications (if any) as may be made in those enactments by the Governor of Northern Ireland in Council for the purpose of giving full effect to this Act.

Loans for purposes of railways, fisheries and Diseases of Animals Acts

2.—(1) The Ministry of Finance shall have power to make loans—

(*a*) for any purposes of the Tramways (Ireland) Acts, 1860 to 1900;

(*b*) for any purposes in connection with fisheries; and

Digitized by Google

(*c*) for any purposes of the Diseases of Animals Acts as hereinafter in this Act defined;

being purposes for which, before the appointed day, loans could have been made by or under the authority of the Treasury (including the Commissioners of Public Works in Ireland), by the Minister of Transport, by the Department of Agriculture and Technical Instruction for Ireland, or by the Secretary of State; and loans shall not be made for any of those purposes except under and in accordance with this section.

(2) Any loans made by the Ministry of Finance under this section shall be issued out of the Government Loans Fund as Government Loans, and the provisions of the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925, shall apply accordingly. 15 & 16 Geo. 5, c. 17.

(3) There shall be transferred from the capital of the Government Loans Fund to the Exchequer of Northern Ireland, in such manner as may be prescribed by the Ministry of Finance, an amount equal to so much of the principal of all loans made for any of the aforesaid purposes before the appointed day as is outstanding on that day.

(4) There shall be carried to the Government Loans Fund all sums after the appointed day paid in discharge of the principal or interest of any loan to which the last preceding sub-section applies.

Railway Matters.

Saving for powers as to transit of animals and produce.

3.—(1) The following powers and duties shall, so far as they relate to railways, become powers and duties of the Ministry of Agriculture and not of the Ministry of Commerce, that is to say—

(i) the powers and duties of the Department of Agriculture and Technical Instruction for Ireland under sub-section (1) (*a*) of section seventeen of the Agriculture and Technical Instruction (Ireland) Act, 1899; 62 & 63 Vict, c. 50.

(ii) the powers and duties of the said Department under sections twenty-two and twenty-three of the Diseases of Animals Act, 1894, and section one of the Poultry Act, 1911. 57 & 58 Vict. c. 57. 1 & 2 Geo. 5 c. 11.

Digitized by Google

A.D. 1926.

(2) The Ministry of Agriculture, in the exercise of any of its powers so far as they relate to the transit of animals and produce, shall act in consultation with the Ministry of Commerce.

Amendment of 13 & 14 Geo. 5, c. 31, s. 10 as to railway and harbour charges.

4. The sum payable out of moneys provided by Parliament to a county council or urban district council, in respect of any financial year, for the reduction of any railway or harbour charge to which section ten of the Local Government Act (Northern Ireland), 1923, as amended by sub-section (2) of section two of the Local Government (Financial Provisions) Act (Northern Ireland), 1924, applies, shall be paid by the Ministry of Commerce, and, accordingly, that Ministry shall be substituted for the Ministry of Home Affairs in the first-mentioned section in its application to the payment of any such sum as aforesaid.

14 & 15 Geo. 5, c. 6.

Grants for purposes of light railways.

5. The Ministry of Commerce may, subject to the approval of the Ministry of Finance, make grants out of any moneys provided by Parliament for any purposes of the Tramways (Ireland) Acts, 1860 to 1900, for which, before the appointed day, grants could have been made by or under the authority of the Treasury of the United Kingdom.

Grants made under this section shall be subject to the same conditions and limitations as were applicable to grants made for any of the said purposes before the appointed day.

Saving for Railway and Canal Commission.

6. Nothing in this Act shall be construed as making fresh provision with respect to the powers of the Railway and Canal Commission in Northern Ireland.

Fishery Matters.

Apportionment of property of fishery conservators.

7. If, as a result of any meetings held in pursuance of Article 5 of the Agreement set forth in the Schedule to the Ireland (Confirmation of Agreement) Act, 1925, any agreement is made between the Government of Northern Ireland and the Government of the Irish Free State as to the apportionment of property and liabilities of boards of conservators of fishery districts which, before the establishment of the Irish Free State, were situate partly within Northern Ireland and partly within the

Digitized by Google

territory which became the Irish Free State, the Ministry of Commerce may give to any boards of conservators of districts within Northern Ireland and their officers such directions as may be necessary to give effect to the agreement, and it shall be the duty of such boards and their officers to carry out the directions so given. A.D. 1926.

Power to charge reduced duties for licences to fish in certain cases.

8. It shall be lawful for boards of conservators to charge reduced licence duties for licences to fish with a rod, where the applicant for the licence is the holder of such a licence granted by any board of conservators in the Irish Free State, if the Ministry of Commerce, by notice published in the Belfast Gazette, notifies that it has been agreed between the Governments of Northern Ireland and of the Irish Free State that corresponding advantages are to be given in the Irish Free State to the holders of licences to fish with a rod granted by any board of conservators in Northern Ireland:

Provided that the holder of a licence in respect of which a reduced licence duty is charged shall not be entitled in respect of such licence to vote at any meeting held for the election of conservators.

Grants in aid of fisheries.

9. The Ministry of Commerce may, subject to the approval of the Ministry of Finance, make grants out of any moneys provided by Parliament for any purposes in connection with fisheries for which, under the enactments relating thereto, grants could before the appointed day have been made by the Secretary of State.

Grants made under this section shall be subject to the same conditions and limitations as were applicable to grants made for any of the said purposes before the appointed day.

Contagious Diseases of Animals.

Establishment of new General Cattle Diseases Fund.

10.—(1) For the purposes of the administration of the Diseases of Animals Acts, 1894 to 1922, and any other enactment (including this Act) whereby the Diseases of Animals Act, 1894, has been extended or amended in its application to Northern Ireland (in this Act referred to as "the Diseases of Animals Acts") there shall be established a General Cattle Diseases Fund for Northern Ireland (in this Act referred to as "the Fund") which shall be accounted for by the Ministry of Agriculture

Digitized by Google

A.D. 1926.

and shall comprise two accounts, namely, the general account and the special account. The special account shall be credited with all receipts, and debited with all payments, in respect of the diseases known as pleuro-pneumonia, foot-and-mouth disease and swine-fever; and the general account shall comprise receipts and expenditure in connection with all other diseases to which the Diseases of Animals Acts apply. Any assets and liabilities transferred to the Government of Northern Ireland from the General Cattle Diseases (Northern Ireland) Fund and the Cattle Pleuro-pneumonia (Northern Ireland) Account, as established by the Diseases of Animals Acts (Northern Ireland) Order, 1924, shall become assets and liabilities of the general account and the special account, respectively, of the Fund.

(2) The Ministry of Finance may make regulations governing the Fund, and at the end of every financial year accounts of the receipts and expenditure of the Fund shall be made up by the Ministry of Agriculture in such form, and containing such particulars, as may be prescribed by such regulations. The said accounts shall be audited by the Comptroller and Auditor-General for Northern Ireland as public accounts, in accordance with regulations under this section, and shall be laid before Parliament together with his report thereon.

Payments into the General Account of the Fund.

11.—(1) The Ministry of Agriculture shall, as and when it may deem necessary, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the counties and county boroughs is required for the purposes of the Diseases of Animals Acts; and thereupon the Ministry of Home Affairs shall, by order, assess that sum on the several counties and county boroughs in proportion to the net annual value of the property therein, and shall send copies of the order to the council of each county and county borough and to the treasurer of each such council.

(2) Thereupon the treasurer of each such council shall, out of the funds of the council, pay over the amount assessed on the council to the general account of the Fund at such Bank as may be prescribed in the regulations governing the Fund. The council of each county (other than a county borough) shall debit the several county districts therein with proportions of that sum according to the net annual value of the property therein.

Digitized by Google

(3) No larger sum shall be levied under this Act at any one time than is equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the counties and county boroughs.

(4) For the purposes of this section—

(*a*) the expression "net annual value of the property" means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being; and

(*b*) the expression "funds of the council" means any money in the hands of the treasurer of the council of a county or county borough to the credit of the council, and, if at any time the assets in the treasurer's hands are not sufficient for any purposes of this section, then the said expression shall be taken to include the moneys next received by the treasurer and placed to the credit of the council.

(5) There shall be paid to the general account of the Fund out of moneys provided by Parliament such sum as may be equivalent, as respects each financial year, to three-fourths of the compensation estimated to be paid by the local authorities in that financial year on account of the slaughter of cattle in case of the existence or suspected existence of tuberculosis.

Payments out of the General Account of the Fund.

12.—(1) The treasurer of the council of a county or county borough, on proof to the Ministry of Agriculture of the payment by local authority of any money for remuneration, expenses, allowances or compensation in accordance with the Diseases of Animals Acts, shall be entitled to payment from the general account of the Fund of one-half of the money so proved to have been paid, subject, in the case of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered:

Provided that, in respect of compensation paid for the slaughter of cattle in case of the existence or suspected existence of tuberculosis, the entire amount of the money so proved to have been paid shall be repaid from the general account of the Fund, after making a deduction for moneys received by the local authority in respect of animals slaughtered.

Digitized by Google

A.D. 1926.

(2) If in any case it is proved to the Ministry of Agriculture that an animal, in respect whereof compensation was paid by the treasurer of a council, was within seven days immediately before its slaughter brought into the county or county borough solely for the purpose of being shipped out of Northern Ireland from a port in that county or county borough within those seven days, or of being sold at a fair to be held in that county or county borough within those seven days, and that neither the owner nor the person in charge of the animal had been guilty in relation to it of any offence against the Diseases of Animals Acts, then the Ministry of Agriculture shall pay to such treasurer the whole of the money paid in compensation in respect of that animal, after making all proper deductions for money received by the local authority in respect of that animal when slaughtered.

(3) If in any case it is proved to the Ministry of Agriculture that an animal, in respect whereof compensation has been paid by a local authority, ought not to have been slaughtered, the said Ministry may, notwithstanding anything in this section, withhold the payment out of the general account of the Fund of any money in respect of that animal.

(4) All costs and expenses incurred by or on behalf of the Ministry of Agriculture in the execution of the Diseases of Animals Acts, and not otherwise provided for by those Acts, shall be defrayed out of the general account of the Fund.

(5) There shall be transferred from the general account of the Fund to the special account thereof, or recredited from the latter to the former, such sums as are necessary for the purpose hereinafter mentioned in this Act.

(6) The Ministry of Agriculture may, with the concurrence of the Ministry of Finance, certify to the effect that any part of the sum standing to the general account of the Fund is not required for the purposes of the Fund, and thereupon the Ministry of Home Affairs shall, by order, determine the proportions returnable to the councils of the several counties and county boroughs according to the net annual value of the property therein. The sums so determined shall thereupon be remitted by the Ministry of Agriculture to the treasurers of the several

Digitized by Google

councils; and the council of each county (not being a county borough) shall, on receipt of that sum, credit the several county districts with proportions of that sum according to the net annual value of the property therein.

Payments into and out of the Special Account of the Fund.

13.—(1) For the purposes of defraying the costs and expenses incurred by the Ministry of Agriculture in the execution of such of the provisions of the Diseases of Animals Acts as relate to the slaughter of cattle, animals or swine on account of pleuro-pneumonia, foot-and-mouth disease or swine fever, and the payment of compensation on account of such slaughter, there shall be paid to the special account of the Fund—

(*a*) such moneys (not exceeding eight thousand pounds in any one year) as may be provided by Parliament for the said purposes; and

(*b*) all sums received by the Ministry of Agriculture on the sale of the carcases of cattle, animals or swine slaughtered on account of the said diseases, after deducting any amount payable thereout as excess to the owners of the cattle, animals or swine under the said Acts.

(2) The moneys standing to the credit of the special account of the Fund shall be applicable solely to the purposes mentioned in sub-section (1) of this section, and shall be paid thereout by the Ministry of Agriculture as and when required for those purposes.

(3) If the moneys standing to the credit of the special account are at any time insufficient for the purposes mentioned as aforesaid there shall be transferred thereto from the general account such sum as is necessary to make up the deficiency.

If at the end of any financial year the Ministry of Finance, after communication with the Ministry of Agriculture, is satisfied that the balance standing to the credit of the special account, or any part of such balance, will not be required for defraying such costs and expenses under the Diseases of Animals Acts as are chargeable to that account, the Ministry of Finance may direct such balance or part to be paid into the general account, in repayment of any sums which may have been transferred therefrom to the special account in that or any previous financial year, and may direct any balance or part which may not be required for such repayment to be paid into the Exchequer of Northern Ireland.

Digitized by Google

A.D. 1926.

Repeal of enactments of 57 & 58 Vict. c. 57, 4 & 5 Geo. 5, c. 40, and 15 & 16 Geo. 5, c. 63.

14. Sections seventy-one, seventy-two, seventy-three and seventy-seven of the Diseases of Animals Act, 1894, and the Second Schedule to that Act, the Diseases of Animals (Ireland) Act, 1914, and the Diseases of Animals Act, 1925, are hereby repealed.

Supplemental.

Short title and commencement.

15.—(1) This Act may be cited as the Administrative Provisions Act (Northern Ireland), 1926.

(2) This Act shall come into operation on the appointed day.

SCHEDULE.

PART I.

General Adaptations.

Section 1 (3).

(1) The enactments to which the several Parts of this Schedule hereinafter contained apply shall have effect, in their application to Northern Ireland, subject to the adaptations and modifications set out in this Schedule, save where inconsistent with the provisions of this Act or the Government of Ireland Act, 1920, or any enactment amending the same.

(2) Subject to the express adaptations and modifications made by this Schedule, the General Adaptation of Enactments (Northern Ireland) Order, 1921, and any other Order made by His Majesty in Council under the Government of Ireland Act, 1920, or any enactment amending the same, containing adaptions of general application, shall, if and so far as they are applicable to the enactments adapted by this Schedule, apply thereto in like manner as they apply to other enactments.

(3) The adaptations and modifications made by this Schedule shall apply to any order, scheme, rule, regulation or instrument made or issued under any of the enactments so adapted or modified and in force as respects Northern Ireland immediately before the appointed day, in like manner as they apply to the enactment under which it was made or issued; and any such order, scheme, rule, regulation or instrument shall continue in force as respects Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so adapted and modified.

2. References in this Act to any department of the Government of the United Kingdom shall be construed as including references to the Secretary of State, in any case where immediately before the appointed day the powers and duties of that department were, as respects Northern Ireland, exerciseable by the Secretary of State in pursuance of an Order of His Majesty in Council.

PART II.

Railway Enactments.

3. This Part of this Schedule applies to the enactments relating to or affecting Irish services in connection with railways (in the said Part referred to as "the railway enactments").

Digitized by Google

A.D. 1926.

4. In the railway enactments —

(*a*) references to the Board of Trade, to the Minister of Transport, or to any department or officer of such Board or Minister, shall (subject to the provisions of paragraph (*b*) of this Article) be construed as references to the Ministry of Commerce or to the corresponding department or officer (if any) attached to that Ministry ;

(*b*) references to the Minister of Transport or the Commissioners of Public Works in Ireland shall, if they occur in relation to the making or repayment of any advance or loan, be construed as references to the Ministry of Finance, and in any other case shall be construed as references to the Ministry of Commerce.

5. The Ministry of Commerce and the Railway and Canal Commission shall consult the Ministry of Labour before making any order under the Railway Regulation Act, 1893.

6. In any case where, under any provisions of the Tramways (Ireland) Acts, 1860 to 1900, as originally enacted, or as amended by subsequent provisions of those Acts, an Order made by the Lord Lieutenant in Council would have required confirmation by Parliament, the Order of the Ministry of Commerce shall not become operative unless and until it has been approved by a resolution passed by both Houses of Parliament.

PART III.

Fishery Enactments.

7. This Part of this Schedule applies to the enactments relating to or affecting Irish services in connection with fisheries (in the said Part referred to as " the fishery enactments ").

8. In the fishery enactments references to the Department of Agriculture and Technical Instruction for Ireland shall, except as otherwise expressly provided by this Act, be construed as references to the Ministry of Commerce :

Provided that nothing in this Article shall apply to references to the said Department, where they occur in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws.

9. References in the fishery enactments to any officer or constable of the Royal Irish Constabulary shall be construed as references to the officer or constable, by whatever title designated, of the Royal Ulster Constabulary, having corresponding rank and functions.

PART IV.

Enactments as to Contagious Diseases of Animals.

10. This Part of this Schedule applies to the Diseases of Animals Acts (excluding this Act).

11. In the Diseases of Animals Acts —

(*a*) references to the General Cattle Diseases Fund shall be construed as references to the Fund or to the general account of the Fund, as the case may require ;

Digitized by Google

A.D. 1926.

(*b*) references to the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund shall be construed as references to the special account of the Fund;

(*c*) references to the Department of Agriculture and Technical Instruction for Ireland shall be construed as references to the Ministry of Agriculture;

(*d*) the reference in section seventy-four of the Diseases of Animals Act, 1894, to the Royal Irish Constabulary Force shall be construed as a reference to the Royal Ulster Constabulary Force.

12. The yearly return of the Ministry of Agriculture under section fifty of the Diseases of Animals Act, 1894, may be made and laid before both Houses of Parliament as part of, and at the same time and in relation to the same period as, the yearly report to which section twenty-six of the Agriculture and Technical Instruction (Ireland) Act, 1899, applies.

CHAPTER 5.

An Act to amend section seven and sub-section (2) of section nineteen of the Pharmacy and Poisons Act (Northern Ireland), 1925.

[30th March, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Temporary provisions as to registration and carrying on of business under 15 & 16 Geo. 5, c. 8.

1. The Pharmacy and Poisons Act (Northern Ireland), 1925 (in this Act referred to as "the principal Act") shall have effect, and shall be deemed always to have had effect, as if—

(*a*) the following sub-sections were added to section seven of the principal Act (which relates to qualifications for registration):—

"(8) Every person who on or before the prescribed day has passed such examination as would, immediately before the passing of this Act, have entitled him to be registered in the existing register as a pharmaceutical chemist, registered druggist, or registered assistant to a pharma-

Digitized by Google

"ceutical chemist, shall, upon payment of the proper fees and charges (if any), be entitled to be registered under this Act in respect of the qualification corresponding to that in respect of which he would, before the passing of this Act, have been entitled to be registered in the existing register."

"(9) Every person who has passed, on or before the prescribed day, such examination as is mentioned in sub-section (5) of this section, and is serving as an apprentice to a pharmaceutical chemist who is registered, or entitled to be registered, as such under this Act, shall, upon payment of the proper fees and charges (if any), be entitled to be registered as an apprentice under this Act."

"(10) The prescribed day for the purposes of sub-sections (8) and (9) of this section shall be a day not later than the thirtieth day of September, nineteen hundred and twenty-six."

(*b*) the following provision were added to sub-section (2) of section nineteen of the principal Act (which prescribes requirements as to the management and conduct of business):—

"In the case of the death, before the passing of this Act or within nine months thereafter, of any person who was, immediately before his death, registered in the existing register as a pharmaceutical chemist, registered chemist and druggist, or registered druggist, the business of that person may be carried on in like manner, and subject to the like conditions, as a business may be carried on upon the death of a person registered under this Act."

Short title and construction.

2. This Act may be cited as the Pharmacy (Temporary Provisions) Act (Northern Ireland), 1926, and shall be construed as one with the principal Act.

Digitized by Google

A.D. 1926.

CHAPTER 6.

An Act to amend section fourteen of the Municipal Corporations (Ireland) Act, 1840, and for purposes connected therewith. [30th March, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 14 of 3 & 4 Vict., c. 108.

1.—(1) The Municipal Corporations (Ireland) Act, 1840, and the enactments amending that Act, shall, in their application to Northern Ireland, have effect as if the following section were substituted for section fourteen of that Act:—

"**14.**—(1) If a petition to grant a charter of incorporation under this Act to the inhabitants of any urban district—

(*a*) consisting of or comprising any borough named in the schedule (B) to this Act annexed; or

(*b*) in which the population exceeds ten thousand according to the last published census for the time being,

is agreed to upon a resolution passed by a majority of the whole council of such urban district and presented to the Governor of Northern Ireland, it shall be lawful for the said Governor by any such charter, if by the advice of the Privy Council of Northern Ireland he sees fit to grant the same, to extend to the inhabitants of such urban district, within the boundaries thereof, the powers and provisions of this Act:

Provided that no such petition shall be presented by the council of any such urban district except upon an application signed by at least one-fourth of the local government electors within the urban district.

(2) Notice of every petition under this section, and of the time when it pleases the said Governor to order that the same be taken into consideration of

Digitized by Google

A.D. 1926.

the said Privy Council, shall be published in the Belfast Gazette one month at least before the petition is so considered.

(3) In every charter of incorporation which may be granted under this Act there shall be described the boundaries of the urban district to which this Act is to extend, and such charter shall specify the number and boundaries of the wards (if any) into which the borough is to be divided, and the number of aldermen and councillors to be elected for the borough or for the wards thereof; and for the purposes of such charter the said Governor in Council shall have power to divide the borough into wards and fix the boundaries thereof, and to apportion the aldermen and councillors among the wards.

(4) If it appears to the said Governor in Council to be necessary that a local inquiry should be held into the subject-matter of a petition for a charter, or into any matter requiring to be determined prior to the granting of such charter, the Ministry of Home Affairs shall cause such inquiry to be held and lay the report thereof before the said Governor in Council; and sub-sections (1) and (3) of article thirty-two of the Schedule to the Local Government "(Application of Enactments) Order, 1898, and section six of the Local Government Act (Northern Ireland), 1923, shall apply for the purposes of the inquiry.

13 & 14 Geo. 5, c. 31.

(5) If any difficulty arises as to the holding of the first election of aldermen and councillors for a borough in respect of which a charter has been granted under this Act, or as to the taking of any steps preliminary to the holding of that election, or otherwise for enabling the council of the borough to be properly constituted under such charter, the Ministry of Home Affairs may by Order do any matter or thing which appears to that Ministry necessary for the proper holding of the election, or the taking of such preliminary steps, or the proper constitution of the council.

(6) A copy of every charter of incorporation granted under this Act shall be forthwith laid before both Houses of Parliament, if Parliament be

Digitized by Google

A.D. 1926.

then sitting, and, if not, forthwith after the then next meeting of Parliament.

(2) Section twenty-eight of the Municipal Corporations (Ireland) Act, 1840, is hereby repealed.

Short title.

2. This Act may be cited as the Municipal Corporations Act (Northern Ireland), 1926.

CHAPTER 7.

An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and twenty-six, and the thirty-first day of March, nineteen hundred and twenty-seven.

[30th March, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

Issue of £1,056,784 out of the Consolidated Fund for the service of the year ending 31st March, 1926.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-six, the sum of one million, fifty-six thousand, seven hundred and eighty-four pounds.

Issue of £2,005,500 out of the Consolidated Fund for the service of the year ending 31st March, 1927.

2. The Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, the sum of two million, five thousand, five hundred pounds.

Digitized by Google

A.D. 1926.

Power for the Ministry of Finance to borrow.

3.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the aforesaid sums, any sum or sums not exceeding in the whole one million five hundred thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-seven.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title

4. This Act may be cited as the Consolidated Fund Act (Northern Ireland), 1926.

[16 & 17 GEO. 5.]

CHAPTER 8.

An Act to make provision for the protection of the community in Northern Ireland in cases of emergency. [6th May, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Issue of proclamations of emergency.

1. If at any time it appears to the Governor of Northern Ireland that any action has been taken or is likely to be taken in the immediate future (whether in Northern Ireland or elsewhere) by any persons or body of persons, being action of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel,

Digitized by Google

A.D. 1926.

or light, or with the means of locomotion, to deprive the community in Northern Ireland, or any substantial portion of that community, of the essentials of life, the said Governor may, by proclamation (in this Act referred to as a proclamation of emergency), declare that a state of emergency exists.

A proclamation of emergency shall continue in force until revoked by the said Governor.

Emergency regulations.

2.—(1) Where a proclamation of emergency has been made, and so long as the proclamation is in force, it shall be lawful for the said Governor, by Order in the Privy Council of Northern Ireland, to make regulations for securing the essentials of life to the community, and those regulations may confer or impose on any Minister or Ministry of Northern Ireland, officer of the Government of Northern Ireland (including any police officer or constable), local authority, or other person acting on behalf of the said Government, such powers and duties as the said Governor may deem necessary for the preservation of the peace, for securing and regulating the supply and distribution of food, water, fuel, light, and other necessities, for maintaining the means of transit or locomotion, and for any other purposes essential to the public safety and the life of the community, and may make such provisions incidental to the powers aforesaid as may appear to the said Governor to be required for making the exercise of those powers effective:

Provided that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike.

(2) Any regulations so made shall be laid before Parliament as soon as may be after they are made.

(3) The regulations may provide for the trial, by courts of summary jurisdiction, of persons guilty of offences against the regulations; so, however, that the maximum penalty which may be inflicted for any offence against any such regulations shall be imprisonment, with or without hard labour, for a term of three months, or a fine of one hundred pounds, or both such imprisonment and fine, together with the forfeiture of any goods or money in respect of which the offence has been committed:

Digitized by Google

A.D. 1926.

Provided that no such regulations shall alter any existing procedure in criminal cases, or confer any right to punish by fine or imprisonment without trial.

(4) The regulations so made shall have effect as if enacted in this Act, but may be added to, altered, or revoked by regulations made in like manner and subject to the like provisions as the original regulations.

(5) The expiry or revocation of any regulations so made shall not be deemed to have affected the previous operation thereof, or the validity of any action taken thereunder, or any penalty or punishment incurred in respect of any contravention or failure to comply therewith, or any proceeding or remedy in respect of any such punishment or penalty.

Saving for powers under 12 & 13 Geo. 5, c. 5.

3. The powers conferred by this Act shall be in addition to, and not in derogation of, any powers conferred upon an authority of the Government of Northern Ireland by, or in pursuance of, the Civil Authorities (Special Powers) Act (Northern Ireland), 1922.

Short title.

4. This Act may be cited as the Emergency Powers Act (Northern Ireland), 1926.

CHAPTER 9.

An Act to make provision for facilitating the working of Minerals, and for imposing restrictions on the working of Minerals required for the support of buildings and works; to amend the Law with respect to Mines; and for purposes connected therewith. [1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

RIGHTS OF WORKING MINERALS AND RIGHTS ANCILLARY THERETO AND OF SUPPORT.

Power to grant right to work minerals which would otherwise be unworkable.

1.—(1) Where there is a likelihood that minerals will be left permanently unworked—

Digitized by Google

A.D. 1926.

(*a*) by reason of the minerals being comprised in or lying under land subject to a lease, exception, reservation, restriction, covenant or condition, or otherwise not being capable of being worked without the concurrence of two or more persons;

(*b*) by reason of the minerals being owned in such small parcels that they cannot be properly or conveniently worked by themselves;

a right to work the minerals may be conferred, subject to the provisions of this Part of this Act, on any person having an interest in such minerals or, where the minerals are owned in small parcels, on any person having an interest in minerals adjacent to such first-mentioned minerals, and being desirous of working such first-mentioned minerals either by himself or through his lessees.

(2) For the purposes of this Part of this Act, references to working minerals shall include references to working, carrying away, treating, and converting minerals.

Power to grant right to work minerals in case of agreement as to adjustment of boundaries between two mines.

2. Where the persons working two adjoining mines have agreed on an adjustment of boundaries between the mines, with a view to reducing the amount of minerals to be left unworked between the mines, or to enabling the minerals to be worked more efficiently or more economically, and effect cannot be given to the agreement by reason of the failure or refusal of the lessors of the mines or the owners of the surface, or any of them, to concur, a right to work the minerals in accordance with such adjusted boundaries may be conferred under this Part of this Act on the persons working the mines respectively.

Power to grant ancillary rights for facilitating the working of minerals.

3.—(1) Where any facility, right, or privilege is required in order that minerals may be properly and conveniently worked by the person entitled to work the same, and the proper and efficient working of the minerals is unduly hampered by the inability or failure of that person to obtain such right, facility or privilege (in this section referred to as an "ancillary right"), such ancillary right may be conferred under this Part of this Act on the

Digitized by Google

A.D. 1926.

person having the right to work the minerals who is working or desirous of working them either by himself or through his lessees.

(2) In particular, but without prejudice to the generality of the foregoing provision, such ancillary rights shall include—

(*a*) a right to let down the surface;

(*b*) a right of air-way, shaft-way, or surface or underground wayleave, or other right for the purpose of access to or conveyance of minerals or the ventilation or drainage of the mines;

(*c*) a right to use and occupy the surface for the erection of washeries, coke ovens, railways, by-product works, or brick making or other works, or of dwellings for persons employed in connection with the working of the minerals or with any such works as aforesaid;

(*d*) a right to obtain a supply of water or other substances in connection with the working of minerals;

(*e*) a right to dispose of water or other liquid matter obtained from mines or any by-product works.

(3) An ancillary right may be granted to a person to whom a right of working minerals is granted in pursuance of section one of this Act at the time when such last-mentioned right is granted or at any subsequent time.

Limitation on power of granting rights.

4.—(1) Neither the right to work minerals nor an ancillary right shall be granted under this Act unless it is shown that it is not reasonably practicable to obtain the right in question by private arrangement for any of the following reasons:—

(*a*) that the persons with power to grant the right are numerous or have conflicting interests;

(*b*) that the persons with power to grant the right, or any of them, cannot be ascertained or cannot be found;

(*c*) that the persons from whom the right must be obtained, or any of them, have not the necessary powers of disposition, whether by

Digitized by Google

A.D. 1926.

reason of defect in title, legal disability or otherwise;

(*d*) that the person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable.

(2) For the purposes of this Part of this Act, a person whose concurrence is necessary for the exercise of a right to work minerals shall be deemed to be a person having power to grant the right, or a person from whom the right must be obtained, as the case may be.

Applications for rights.

5.—(1) Any person having an interest in any minerals who is desirous of working, either by himself or through a lessee, those minerals, or any adjacent minerals, and who considers that the circumstances are such that a right to work the minerals can be granted under this Part of this Act, may send to the Ministry of Commerce an application for the grant of such a right.

(2) Any person having a right to work any minerals or applying for such a right who, for the purpose of or in connection with working those minerals either by himself or through a lessee, is desirous of obtaining an ancillary right, and who considers that the circumstances are such that such an ancillary right can be granted under this Part of this Act, may send to the Ministry of Commerce an application for the grant of such a right.

(3) An application under this section shall set forth the circumstances alleged to justify the grant of the right and shall be in such form, and accompanied by such information verified in such manner, as the Ministry of Commerce may prescribe.

(4) The Ministry of Commerce shall consider the application and shall, unless, after communication with such other parties interested (if any) as it may think fit, that Ministry is of opinion that a primâ facie case is not made out, refer the matter to the Tribunal constituted as hereinafter in this Part of this Act provided and in this Act referred to as "the Tribunal":

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Ministry of Commerce

Digitized by Google

A.D. 1926.

shall not so refer the application to the Tribunal without first having communicated with that person.

(5) Where the application relates to a right to obtain a supply of water, or a right to dispose of water or other liquid matter, or any other right which appears to the Ministry of Commerce to affect any local authority, that Ministry before referring the application to the Tribunal shall send a copy thereof to the local authority in order to enable them to take such steps as they think fit for placing their views before the Tribunal.

Power of Ministry of Commerce to grant rights after reference to the Tribunal.

6.—(1) Where a matter is so referred to the Tribunal the Tribunal shall hold an inquiry and report to the Ministry of Commerce, in accordance with the provisions set forth in the Schedule to this Act upon such questions (including, if the said Ministry thinks fit, the questions as to compensation mentioned in sub-section (3) of this section) as the said Ministry may direct.

(2) The Ministry of Commerce, if satisfied that the requirements of this Part of this Act are complied with in the case of the applicant, and that it is in the public interest that the right applied for should be granted to him, may, by order, grant the right on such terms and subject to such conditions, and for such period, as the said Ministry may think fit, and upon such an order being made, the right specified in the order shall, subject to the provisions of this Part of this Act, vest in the applicant.

(3) The Ministry of Commerce shall, either before or after the making of an order under this section, refer to the Tribunal the questions—

(*a*) whether any person is or would be entitled to compensation by reason of the granting of the right; and

(*b*) if so, what is or would be the proper amount of compensation to be paid to each such person,

and, where the right applied for is granted, such compensation or consideration as may be determined by the Tribunal or, on an appeal under the provisions hereinafter in this Act contained, by the county court shall be paid or given by the applicant, in respect of the acquisition of

Digitized by Google

A.D. 1926.

the right, to such persons as the Tribunal or county court may determine to be entitled thereto:

Provided that in case such compensation is payable in respect of a holding subject to a land purchase annuity, the tribunal or county court shall determine whether the security for the payment of the annuity is prejudicially affected and, if so, what amount of the annuity ought to be redeemed in view of the prejudice to the security, and thereupon the applicant shall cause the amount of the annuity so determined to be redeemed, and the redemption price until paid shall be a charge on the compensation to be paid by him.

(4) In determining the duration of any right to be granted, the Ministry of Commerce shall have regard to the time reasonably necessary to enable the minerals to be fully worked, and where the applicant's interest in any minerals in virtue of which he is entitled to make the application is an interest as lessee, shall have regard to the duration of such interest.

(5) Where the right applied for is a right to let down the surface, the Tribunal in reporting to the Ministry of Commerce, and that Ministry in determining, whether the right should be granted—

(*a*) shall have regard to the value of the minerals required for the support of any works or buildings, or intended works or buildings, on or below the surface as compared with the value of the works or buildings, and as to whether the support of the works or buildings or intended works or buildings is, in the public interest, more important than the working of those minerals; or

(*b*) if there are no such works or buildings, shall have regard to the extent to which the use of the surface for the purposes for which it is used or is intended to be used will be prejudicially affected by subsidence, and as to whether the support of the surface is, in the public interest, more important than the working of the minerals required for the support thereof.

(6) In determining whether any right should be granted, or the conditions upon which any such right

Digitized by Google

A.D. 1926.

should be granted, the Ministry of Commerce shall have regard to all the circumstances of the case, and, in particular, to the extent to which the retention of any minerals is required for the protection of any mines or other works from flooding, or for any other mining purpose, and (so far as relevant) to the royalties, covenants, and conditions reserved by or contained in the applicant's existing mining lease or leases (if any), or customary in mining leases in the district.

Provisions in case of several applications in respect of the same rights.

7.—(1) Where separate applications are made by two or more persons for the right to work the same minerals and are referred to the Tribunal, the Tribunal, in addition to the matters aforesaid, shall report to the Ministry of Commerce, and that Ministry shall determine, which, if any, of the applicants is to be preferred, or whether the right to work one part of the minerals should be granted to one applicant and the right to work another part should be granted to another applicant; and in arriving at its determination the Ministry of Commerce shall have regard to the report of the Tribunal upon the question how the minerals can be most conveniently worked, to the respective rights of the applicants in the surface or adjacent minerals, and generally to all the circumstances of the case.

(2) This section shall apply to cases of applications by two or more persons for the same ancillary right subject to the necessary modifications, and, in particular, subject to this modification, that the right may be granted to the applicants, or to any two or more of them, jointly.

Restrictions on working minerals required for support.

8.—(1) If any person having an interest in any land is not entitled to support or sufficient support, whether vertical or lateral, for any buildings or works, whether on or below the surface, erected or constructed, or intended to be erected or constructed, on or below the surface, and alleges that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the reasons mentioned in section four of this Act, he may send to the Ministry of Commerce an application that such restrictions may be imposed on the working of the minerals under that land and the land adjacent thereto

Digitized by Google

A.D. 1926.

as he may consider necessary to secure sufficient support to the buildings or works.

(2) An application under this section shall set forth the circumstances alleged to justify the imposition of the restrictions, and shall be in such form, and accompanied by such information verified in such manner, as the Ministry of Commerce may prescribe.

(3) The Ministry of Commerce shall consider the application, and shall, unless, after communication with such other parties interested (if any) as it thinks fit, the said Ministry is of opinion that a primâ facie case is not made out, refer the matter to the Tribunal:

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Ministry of Commerce shall not so refer the application to the Tribunal without first having communicated with that person.

(4) Where any such case is referred to the Tribunal, the Tribunal shall hold an inquiry and report to the Ministry of Commerce, in accordance with the provisions set forth in the Schedule to this Act upon such questions (including, if the said Ministry thinks fit, the questions as to compensation mentioned in sub-section (6) of this section) as the said Ministry may direct.

(5) The Ministry of Commerce, if satisfied that the requirements of this section are complied with in the case of the applicant, and that it is in the public interest that restrictions should be imposed, may, by order, impose such restrictions, on such terms and subject to such conditions and for such period as the Ministry of Commerce may think just, and upon such order being made the right to enforce the restrictions imposed by the order shall, subject to the provisions hereinafter contained, vest in the applicant.

(6) The Ministry of Commerce shall, either before or after the making of an order under this section, refer to the Tribunal the questions—

(*a*) whether any person is or would be entitled to compensation by reason of the imposition of the restrictions, and

Digitized by Google

A.D. 1926.

(*b*) if so, what is or would be the proper amount of compensation to be paid to each such person,

and, where restrictions are imposed, such compensation or consideration as may be determined by the Tribunal or, on an appeal under the provisions hereinafter in this Act contained, by the county court shall be paid or given by the applicant in respect of the imposition of the restrictions to such persons as the Tribunal or county court may determine to be entitled thereto.

(7) The restrictions may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing, or otherwise such as may be necessary to secure adequate support to the buildings or works or to prevent or minimise damage thereto.

(8) The Tribunal in reporting to the Ministry of Commerce, and that Ministry in determining, whether restrictions should be imposed shall have regard to the value of the buildings or works or the cost of repairing damage likely to be caused thereto by subsidence, as compared with the value of the minerals, or to the importance of the erection or preservation of the buildings or works as compared with the importance, in the public interest, of the working of the minerals.

(9) For the purposes of this section, where any building or work is a national monument to which section twenty-five of the Irish Church Act, 1869, applies or an ancient monument, and is, in pursuance of any enactment, under the guardianship or protection of the Ministry of Finance or of a local authority, the Ministry of Finance or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.

32 & 33 Vict., c. 42.

Determination and payment of compensation.

9.—(1) Where questions as to compensation have been referred to the Tribunal under this Part of this Act, the Tribunal shall, subject to the provisions of the said Part with respect to appeals, have power to determine the amount and nature of compensation or consideration to be paid or given and the persons to whom it is to be paid or given, and shall certify the same in such form as may be prescribed.

Digitized by Google

A.D. 1926.

(2) The compensation or consideration in respect of any right, including a right to enforce restrictions, shall be assessed by the Tribunal on the basis of what would be fair and reasonable between a willing grantor and a willing grantee, having regard to the conditions subject to which the right is or is to be granted.

(3) Where the person to whom any compensation or consideration is payable cannot be found or ascertained the compensation or consideration shall be paid into the county court, in such manner as may be directed by rules made by the Lord Chief Justice of Northern Ireland after consultation with the Ministry of Commerce; and the provisions of sections sixty-nine to eighty (inclusive) of the Lands Clauses Consolidation Act, 1845, shall apply to such compensation or consideration with the substitution of the county court for the High Court and with such other modifications and adaptations as may be made by the said rules.

8 & 9 Vict., c. 18.

(4) The Ministry of Commerce may impose as a condition on the grant of any right or the imposition of any restriction that any questions as to the compensation or consideration payable in respect thereof shall be determined by the Tribunal and the amount of the same (if any) paid, or that security to the satisfaction of the Tribunal for the payment thereof shall be given, before the right commences to be exercised, or the restriction is enforced.

Appeals to county court sitting with an assessor as to amount of compensation.

10.—(1) Where the party named in any certificate issued by the Tribunal of the amount of compensation or consideration determined under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, the party dissatisfied may, within ten days after the issue of such certificate, appeal to the county court on the question of the proper amount of compensation or consideration.

(2) The county court for the purposes of this section shall be the county court having jurisdiction where the land, in connection with which a right is granted or restrictions are imposed, is situate.

(3) When hearing an appeal under this section, the county court shall have the assistance of one specially

Digitized by Google

A.D. 1926.

qualified assessor, who shall hear the evidence and, on the application of either of the parties, inspect any lands to which the appeal relates, and report to the county court in the manner prescribed by rules of court made under this section.

(4) Lists shall be framed, in accordance with rules to be made by the Ministry of Commerce, of persons of skill and experience in mining matters to act as assessors under this section, and every person for the time being named in any such list shall give his attendance, perform such functions, and receive such remuneration as the rules may provide.

(5) Save as otherwise provided by this section, rules of court regulating the practice and procedure and costs of an appeal under this section, and prescribing the forms of proceedings therein, may be made by the authority having power to make rules and orders for regulating the practice of the county courts.

Constitution and procedure of the Tribunal

11.—(1) The Tribunal shall consist of the following persons to be appointed by the Minister of Commerce :—

One practising barrister of ten years' standing ;

One member of the panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919 ; 9 & 10 Geo. 5, c. 57.

One officer of the Ministry of Commerce.

(2) The provisions set forth in the Schedule to this Act shall apply to the holding of inquiries by the Tribunal in relation to applications under this Part of this Act.

(3) Anything required under this Act to be done by the Tribunal may be done by two members of the Tribunal under their hands.

(4) Subject to the provisions of this Act, the procedure and practice of the Tribunal shall be such as the Ministry of Commerce may prescribe.

Power of Ministry of Commerce to state special cases.

12. Where the matter of an application for the grant of a right or for the imposition of restrictions has been referred to the Tribunal, the Ministry of Commerce may, if the Tribunal so request, state, at any stage of the proceedings before the Tribunal, in the form of a special case for the opinion of the High Court, any question of

Digitized by Google

A.D. 1926.

law arising in the course of those proceedings; and the said Ministry may also state its decision upon any such matter (as to the whole or part thereof) in the form of a special case for the opinion of the High Court.

Power of Ministry of Commerce to make rules.

13.—(1) The Ministry of Commerce shall have power to make rules for all or any of the following purposes:—

(*a*) For prescribing the procedure and practice of the Tribunal;

(*b*) For the framing of lists of assessors and for regulating their functions and remuneration and the expenses which may be incurred by them;

(*c*) For prescribing the rate of salary or remuneration to be paid to members of the Tribunal, and for regulating the expenses which may be incurred by those members;

(*d*) For prescribing a scale of fees to be paid (whether by means of stamps or otherwise) by applicants for the grant of rights and the imposition of restrictions under this Part of this Act;

(*e*) Generally, for prescribing any matter required by this Part of this Act to be prescribed, and for giving full effect to this Part of this Act.

(2) Rules for any of the purposes mentioned in paragraph (*b*), paragraph (*c*), or paragraph (*d*) of subsection (1) of this section shall not take effect except with the approval of the Ministry of Finance.

(3) Any rules made under this section shall be laid before Parliament as soon as may be after they are made, and shall be published in the Belfast Gazette.

Effect of grant of right.

14. A right granted under this Part of this Act shall not confer on the person to whom it is granted any greater or other power than if the right had been granted by a person legally entitled to grant the right, or relieve the grantee from any obligation or liability to which he would have been subject had the right been granted by such a person.

Provisions as to tenants for life, &c.

15. An order under this Part of this Act may confer rights on a tenant for life or on any person having the statutory powers of a tenant for life, or on any trustee,

Digitized by Google

A.D. 1926.

personal representative or other person in a fiduciary position, and, where any such rights are so conferred upon any such person, the rights shall be deemed to form part of the property subject to the settlement or the estate of the deceased person or the property subject to the trust, as the case may be.

Saving of rights under the Railways Clauses Act, &c., 8 & 9, Vict., c. 20.

16. Nothing in this Part of this Act shall prejudicially affect the right under the Railways Clauses Consolidation Act, 1845, or any Act modifying that Act, or any other Act, whether public general, local or private, of any railway or canal company, local authority or other statutory body to acquire minerals for the purposes of support, or any rights or interests in minerals which may have been acquired by any such company, authority or body, or any right of support from minerals to which any such company, authority or body may be entitled, or any right empowering any such company, authority or body to acquire the rights to which they are entitled directly or indirectly under any special Act or order relating to the company, authority or body or any statute incorporated therewith, nor shall confer on any such company, authority or body a right to acquire under this Part of this Act any rights to prohibit or restrict the working of minerals.

Interpretation.

17.—(1) For the purposes of this Part of this Act, unless the context otherwise requires—

The expression "minerals" includes all minerals and substances in or under land obtainable by underground or by surface working

The expression "surface," in relation to land, includes any buildings, works or things, erected, constructed or growing thereon;

The expression "right to let down the surface" includes a right to let down superincumbent or adjacent strata up to and including the surface;

The expression "lease" includes any contract of tenancy and a licence, and "lessor" and "lessee" have corresponding meanings.

Digitized by Google

A.D. 1926.

PART II.

AMENDMENT OF LAW.

Repeal of ss. 4 & 20 of 10 & 11 Geo. 5, c. 50.

18. Sections four and twenty of the Mining Industry Act, 1920, shall be deemed never to have applied in Northern Ireland.

PART III.

GENERAL.

Expenses under Part I of Act.

19. There shall be paid out of moneys provided by Parliament, subject to rules under Part I. of this Act, the salaries or remuneration and the expenses of the Tribunal (including any member thereof) and assessors appointed for the purposes of the said Part.

Saving for Land Purchase Commission.

20. A right to work minerals which are for the time being vested in the Land Purchase Commission for Northern Ireland under any enactment of the Land Purchase Acts or of the Northern Ireland Land Act, 1925, shall not be granted by the Ministry of Commerce without the consent of the person exercising the powers and duties of the Judicial Commissioner; and the Ministry of Commerce shall give notice to the Land Purchase Commission of every application for imposing restrictions on the working of any minerals vested in that Commission as aforesaid.

Short title, commencement and construction.

21.—(1) This Act may be cited as the Mines (Working Facilities, Support, &c.) Act (Northern Ireland), 1926.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-seven.

(3) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Section 6 (1), 8 (4), 11 (2).

SCHEDULE.

PROVISIONS AS TO HOLDING OF INQUIRIES BY THE TRIBUNAL.

1. The Tribunal shall hold sittings in some convenient place, and thereat shall hear, receive and examine any evidence and information offered, and hear and inquire into the objections or repre-

Digitized by Google

sentations made respecting the subject-matter of the inquiry, with power from time to time to adjourn any sitting.

2. Notice shall be published in such manner as the Ministry of Commerce may direct of every such sitting, except an adjourned sitting, seven days at least before the holding thereof.

3. The Tribunal shall make a report in writing to the Ministry of Commerce, setting forth the results of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by the Tribunal to the said Ministry.

4. The Ministry of Commerce may, where it appears to it reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry by the applicant for any rights or restrictions or by any other person, and may require such applicant to give security for the costs of the inquiry.

5. Any order made under Article 4 of this Schedule shall certify the amount to be paid by any person, and any amount so certified shall, without prejudice to the recovery thereof in any other manner, be recoverable by the Ministry of Commerce summarily as a civil debt from such person.

6. Every member of the Tribunal shall, for the purposes of any inquiry held by the Tribunal, have the following powers :—

(*a*) he may, by summons under his hand, require to appear before the Tribunal at the place where the inquiry is to be held any persons whomsoever, and examine them upon oath or otherwise, touching any matter relating to the purposes of the inquiry ;

(*b*) he may, by any such summons, require any officer of or acting under, any local authority and any commissioner, trustee, officer, or person having powers under any enactment in force within the district in which the land to which the inquiry may relate is situate, to produce before him any surveys, plans, sections, rate-books or other like documents which may, by reason of his office, be in the custody or control of such officer or person touching any matter relating to the purposes of such inquiry ;

(*c*) he may examine, inspect or take copies of such surveys, plans, sections, books and documents ;

(*d*) he may enter upon any lands and make all such investigations as are necessary for the purposes of the inquiry.

7. Any person who refuses to permit a member of the Tribunal to do any of the matters referred to in this Schedule, or wilfully disturbs or interferes with the Tribunal or any member thereof in the course of any inspection, or wilfully disobeys the summons of any such member, or prevents any such member from examining inspecting or taking copies under this Schedule, or refuses to answer any question put to him by a member of the Tribunal for the purposes of the inquiry, shall be liable on summary conviction to a penalty not exceeding five pounds for every such offence :

Provided that no person shall be required to attend before the Tribunal in obedience to any such summons unless the reasonable charges of his attendance have been paid or tendered to him.

Digitized by Google

CHAPTER 10.

A.D. 1926.

An Act to confirm and give effect to an Agreement for the deduction from the Northern Ireland residuary share of reserved taxes of the amount of certain increases made under an Act of the Parliament of the United Kingdom in respect of pensions deductible from the said share; to raise the percentages by which certain other pensions may be increased under the Pensions (Increase) Act, 1920; to permit the payment of increased pensions under the said Pensions (Increase) Act to pensioners residing outside the British Islands; and for purposes connected therewith. [1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of agreement as to chargeability of certain pensions increased under 14 & 15 Geo. 5, c. 32

10 & 11 Geo. 5, c. 67.

12 & 13 Geo. 5, c. 55.

1. Whereas it has been agreed by the Ministry of Finance for Northern Ireland and the Treasury of the United Kingdom that the amount of any increases payable by virtue of section one or section two of the Pensions (Increase) Act, 1924, in respect of pensions to which sub-section (1) of section fifty-seven of the Government of Ireland Act, 1920, or that sub-section as amended by sub-section (10) of section one of the Constabulary (Ireland) Act, 1922, applies, shall be added to the amounts which under the first-mentioned sub-section are to be made good by means of deductions from the Northern Ireland residuary share of reserved taxes:

Therefore, the said agreement is hereby confirmed and shall have effect, and be deemed to have had effect, as from the date from which the said increases have effect under the provisions of the Pensions (Increase) Act, 1924.

Additions to percentages by which certain pensions may be increased

2.—(1) As from the first day of April, nineteen hundred and twenty-six, the schedule to the Pensions (Increase) Act, 1920 (in this Act referred to as "the principal Act") shall, as respects pensions not exceeding

Digitized by Google

A.D. 1926

one hundred pounds payable out of the Petty Sessions Clerks Fund, or out of the Teachers' Pension Fund, have effect as if the percentages by which existing pensions may be increased were— 10 & 11 Geo. 5, c. 36.

(*a*) in the case of an existing pension not exceeding twenty-five pounds a year, seventy per cent. instead of fifty per cent.;

(*b*) in the case of an existing pension exceeding twenty-five pounds a year but not exceeding fifty pounds a year, sixty-five per cent. instead of fifty per cent.; and

(*c*) in the case of an existing pension exceeding fifty pounds a year but not exceeding one hundred pounds a year, fifty per cent. instead of forty per cent:

Provided that—

(i) where the service from which the pensioner retired is a service in which additional remuneration by way of bonus was paid on the said first day of April, and was reckoned for the purposes of pension, either in whole or in part, in the case of persons retiring from the service on that date, no addition shall be made to his pension by virtue of the increased percentages authorised by this section greater than such as may be sufficient to increase his pension to the pension of which he would have been in receipt on the second day of April nineteen hundred and twenty-six, had such bonus been included amongst the salary and emoluments on which his pension was awarded and been reckoned for the purposes of pension to the extent to which it would have been reckoned if he had retired on the said first day of April;

(ii) nothing in this Act shall operate so as to decrease the amounts payable in respect of any pension which has been increased under sub-section (3) of section seventy of the Education Act (Northern Ireland), 1923;

(iii) nothing in this Act shall affect the provisions of the said schedule other than those relating to such percentages as aforesaid. 13 & 14 Geo. 5, c. 21.

Digitized by Google

A.D. 1926.

(2) For the purposes of this section—

The expression "Petty Sessions Clerks Fund" means the Petty Sessions Clerks (Northern Ireland) Fund, being the fund established in Northern Ireland in pursuance of section twenty-eight of the Petty Sessions Clerk (Ireland) Act, 1858, for the purposes mentioned in the said Act, as amended by subsequent enactments:

21 & 22 Vict. c. 100.

The expression "Teachers' Pension Fund" means the Pension Fund (Northern Ireland) established for the purposes of the National School Teachers (Ireland) Act, 1879, and includes any fund which may be made available for the payment of pensions which were, at the passing of this Act, payable out of the Teachers' Pension Fund:

42 & 43 Vict. c. 74.

The expression "existing" means existing immediately before the passing of the principal Act.

Repeal of first statutory condition for increase of pension.

3. The first statutory condition for the increase of pensions under the principal Act (which provides that the pensioner must reside in the British Islands) shall cease to have effect.

Amendment of s. 3 of the principal Act.

4. (1) The Ministry of Finance may, by order made under section three of the principal Act, apply to any local or public authority the provisions of this Act making additions to the percentages by which certain pensions may be increased.

(2) Any order made under the said section (including any order made by the Treasury of the United Kingdom and applicable in Northern Ireland by virtue of the Government of Ireland Act, 1920) may be revoked, varied or amended by an order made by the Ministry of Finance in like manner.

Construction and short title.

5. This Act shall be construed as one with the principal Act and may be cited as the Pensions (Increase) Act (Northern Ireland), 1926; and the principal Act (so far as it applies to matters in respect of which the Parliament of Northern Ireland has power to make laws) and this Act may be cited together as the Pensions (Increase) Acts (Northern Ireland), 1920 and 1926.

Digitized by Google

CHAPTER 11.

A.D. 1926.

An Act to make provision for reducing in respect of certain services the charges on public funds and for increasing, by means of the payment into the Exchequer of Northern Ireland of certain sums and otherwise, the funds available for meeting such charges, and to amend accordingly the law relating to national health insurance, unemployment insurance, petty sessions funds and local government, and for purposes related or incidental to the matters aforesaid.

[1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

NATIONAL HEALTH INSURANCE.

Amendment as to proportion of contributions payable respectively by insured persons and employers and by the Ministry of Finance. 14 & 15 Geo. 5. c. 38.

1.—(1) Section four of the National Health Insurance Act, 1924 (in this Part of this Act referred to as "the principal Act"), (which provides for contributions by insured persons, employers and the Ministry of Finance), shall be deemed as from the first day of January, nineteen hundred and twenty-six, to have had effect as if for the words from "as to seven-ninths thereof" to the end of the section there were substituted the words "in the case of men as to six-sevenths thereof, and in "the case of women as to four-fifths thereof, from "contributions made by or in respect of the contributors "by themselves or their employers and as to the balance "thereof from moneys provided by Parliament," and for the purpose of determining the amount to be derived from moneys provided by Parliament in respect of the cost of additional benefits administered by a society, other than additional benefits consisting of increases of sickness, disablement or maternity benefit, the amount of that cost shall be apportioned between men and women in such manner as may be prescribed by regulations made by the Ministry of Labour with the consent of the Ministry of Finance.

Digitized by Google

A.D. 1926.

(2) Nothing in this section shall affect the amount of the sums which are to be credited to societies out of moneys provided by Parliament under the proviso to sub-section (2) of section one of the National Health Insurance Act (Northern Ireland), 1922 (which makes provision as to the expenses of the administration of benefits).

12 & 13 Geo. 5. c. 15

Expenses of administration of benefits.

2.—(1) There may, out of the funds out of which benefits are payable under the principal Act, be applied, for the purpose of meeting the cost of medical certification and any expenses incurred by the Ministry of Labour in connection with the administration of benefits, a sum at such yearly rate as may be prescribed with the approval of the Ministry of Finance, but not exceeding two shillings and four pence per year, in respect of each of the total number (calculated in the prescribed manner) of the members of approved societies resident in Northern Ireland.

For the purposes of this section the expression "medical certification" means any arrangement made by the Ministry of Labour for the provision for the purposes of the principal Act of medical evidence of incapacity for work in the case of insured persons.

(2) This section shall come into operation on the first day of January, nineteen hundred and twenty-seven.

Application of Reserve Suspense Fund and Central Fund towards making good deficiencies due to provisions of this Part of this Act.

3.—(1) If on the valuation of an approved society or of a branch of an approved society it appears to the valuer that a deficiency will be disclosed, he shall forthwith report the case to the Actuary appointed by the Ministry of Finance, and on receiving any such report the said Actuary shall proceed to estimate the amount by which the financial position of the society or branch has been made worse in consequence of the provisions of this Part of this Act and shall, as soon as he has estimated that amount, issue a certificate specifying what that amount is or, if that amount is greater than the amount of the apprehended deficiency, what the amount of that deficiency is, and shall transmit the certificate to the Ministry of Labour.

(2) The Ministry of Labour on receiving a certificate under this section may, if it thinks proper so to do having

Digitized by Google

regard to all the circumstances of the case, cause a sum equal to the amount specified in the certificate to be credited to the society or branch out of any balance standing to the credit of the Reserve Suspense Fund, after due provision has been made for the payment of any sum charged on that Fund under or by virtue of any enactment; and if there is no such balance standing to the credit of that Fund, or the balance is insufficient for the purpose of providing the whole amount specified in the certificate, the Ministry of Labour may transmit the certificate, with a statement as to the amount which cannot be provided out of that Fund, to the National Health Insurance Joint Committee, so as to enable that Committee to exercise such powers as may be conferred upon that Committee in relation to the Central Fund by any Act passed in the present Session of the Parliament of the United Kingdom, as applied to Northern Ireland by Order of His Majesty in Council.

(3) The Ministry of Labour may, instead of proceeding as aforesaid transmit to the said Joint Committee any certificate received by that Ministry under this section, and the said Joint Committee, if satisfied that the apprehended deficiency is attributable in whole or in part to the provisions of this Part of this Act, may award to the Society or branch such relief as might have been granted under the preceding sub-section, or such part of that relief as the said Joint Committee, having regard to all the circumstances of the case, think proper, and the Ministry of Labour shall thereupon take the necessary steps for causing the proper amount to be credited to the society or branch.

(4) Sub-section (2) of section seventy-seven of the principal Act (which provides for the investigation by an independent body of claims for relief out of the Central Fund) shall, subject to the necessary modifications, apply for the purpose of determining whether, and to what extent, relief ought to be granted under this section.

(5) Any amount to be credited for the purpose of this section to a society or branch of a society shall be treated as having formed part of the assets of the society or branch at the date of the valuation.

Digitized by Google

A.D. 1926.

Amendment of s. 68 of principal Act.

4.—(1) As from the first day of January, nineteen hundred and twenty-seven, such part of any sums falling to be dealt with under sub-section (2) of section sixty-eight of the principal Act as represents interest shall, instead of being so dealt with, be applied from time to time in defraying the amount, as estimated by the Ministry of Finance, of such part of the cost incurred by Government Departments in connection with the provision of insurance stamps and cards and the sale of insurance stamps as may be attributable to national health insurance.

(2) Such part of the sums which under the said sub-section (2) are to be carried to the Central Fund as may be required for the purposes specified in this sub-section, instead of being carried to that Fund, shall, after deducting therefrom the sums applied under the foregoing provisions of this section, be applied for those purposes as follows:—

(*a*) There shall out of the said sums, in the first place, be credited to approved societies in accordance with a scheme to be made by the National Health Insurance Joint Committee with the approval of the Ministry of Finance, such part of those sums as the said Committee may direct, and any sums so credited shall be applied by the society, in such manner as the scheme may provide, for the purpose of preventing such members of the society as are in arrears from having or continuing to have their rates of sickness, disablement and maternity benefit reduced by greater amounts than such amounts as may be fixed in the scheme;

(*b*) In the second place, in the event of the interest mentioned in sub-section (1) of this section being insufficient to meet the costs to be defrayed therefrom in accordance with the provisions of that sub-section, the said sums shall be applied in payment of the deficiency.

Provisions as to Navy Army and Air Force Insurance Fund.

5.—(1) There shall be paid out of moneys provided by Parliament, as a contribution towards any additional benefits payable out of the Navy, Army and Air Force Insurance Fund by virtue of any Act passed in the present

Digitized by Google

session of the Parliament of the United Kingdom, such sums as the National Health Insurance Joint Committee may periodically ascertain to be required for such contribution, having regard to the number of persons entitled to benefits out of the said Fund and actually resident in Northern Ireland; and section fifty-nine and subsection (3) of section one hundred and seventeen of the principal Act shall apply accordingly.

(2) Provision may be made by regulations for entitling men of the forces who before the commencement of this Act joined or thereafter join approved societies either during service or within the prescribed period after discharge to participate (subject to such conditions as may be prescribed) in additional benefits provided by those societies, and for prescribing special transfer values applicable to such men.

Consequential amendments of enactments relating to national health insurance, and variation of reserve values

6.—(1) The amendments specified in the second column of the First Schedule to this Act, which are consequential on other provisions contained in this Part of this Act, shall be made in the provisions of the principal Act and the other enactments relating to national health insurance which are set out in the first column of that Schedule.

(2) The amendments specified in Part I. of the said First Schedule shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-six, and the amendments specified in Part II. of the said Schedule shall have effect as from the first day of January, nineteen hundred and twenty-seven.

(3) Provision may be made by regulations for such variation of reserve values as appears necessary in consequence of the provisions of this Part of this Act.

Short title, and construction of Part I.

7. This Part of this Act may be cited as the National Health Insurance Act (Northern Ireland), 1926, and shall be construed as one with the principal Act, and that Act and this Part of this Act may be cited together as the National Health Insurance Acts (Northern Ireland), 1924 and 1926.

Digitized by Google

A.D. 1926.

PART II.

UNEMPLOYMENT INSURANCE.

Amendment of s. 3 of Unemployment Insurance Act (Northern Ireland), 1925. 15 & 16 Geo. 5, c. 22.

8.—(1) As from and after the fifth day of April, nineteen hundred and twenty-six, until the expiration of the extended period as defined in section three of the Unemployment Insurance Act (Northern Ireland), 1925, the contribution payable under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1925, out of moneys provided by Parliament shall be a contribution of such an amount as may be determined by the Ministry of Finance to be approximately equivalent, having regard to the estimated proportions in which contributions are payable in respect of men, women, boys and girls, to the sum which would be produced by weekly contributions paid in respect of insured persons and exempt persons at the respective rates set out in the Second Schedule to this Act.

(2) Paragraph (*c*) of sub-section (1) of the said section three (except in so far as it relates to the meaning of the expression "the 1925 debt") is hereby repealed as from the first day of January, nineteen hundred and twenty-six.

PART III.

PETTY SESSIONS FUND, &c.

Relief to Exchequer from Petty Sessions Fund and Dogs' Acts Account.

9.—(1) There shall, in respect of each financial year, be applied as appropriations in aid of moneys provided by Parliament for the salaries and expenses of the Royal Ulster Constabulary—

(*a*) so much of the moneys standing to the credit of the Petty Sessions Clerks (Northern Ireland) Fund as may be certified to represent, in respect of that year, the remuneration which would, apart from this section, be paid to members of the said Constabulary by virtue of section eight of the Petty Sessions Clerks and Fines (Ireland) Act, 1878; and

41 & 42 Vict. c. 69.

(*b*) so much of the moneys standing to the credit of the Dogs' Acts Account as may be certified to represent, in respect of that year, the expenses of the said Constabulary in con-

Digitized by Google

nection with the administration of the Dogs Regulation (Ireland) Acts, 1865 and 1919, as amended by section one of the Petty Sessions Fees and Administration Act (Northern Ireland), 1923. 13 & 14 Geo. 5, c. 5.

Any certificates required from time to time, in respect of a financial year or any part thereof, for the purposes of this sub-section shall be given jointly by the Ministry of Finance and the Ministry of Home Affairs.

(2) Notwithstanding anything contained in section eight of the Petty Sessions Clerks and Fines (Ireland) Act, 1878, the full amount of the proceeds of fines on jurors shall be paid into the Petty Sessions Clerks (Northern Ireland) Fund, and no part of that Fund shall be applied towards the remuneration of the Royal Ulster Constabulary except as provided by sub-section (1) of this section, and no payment shall be made thereout to any officer of a court except in pursuance of a joint direction of the Ministry of Finance and the Ministry of Home Affairs.

(3) The surplus moneys remaining in the Dogs' Acts Account after all statutory deductions have been made shall, as to one third, be paid into the Exchequer of Northern Ireland, and, as to the remainder, be paid to local authorities in accordance with the provisions of section fifteen of the Dogs Regulation (Ireland) Act, 1865. 28 & 29 Vict., c. 50.

(4) In this section—

The expression "Petty Sessions Clerks (Northern Ireland) Fund" means the fund established in Northern Ireland in pursuance of section twenty-eight of the Petty Sessions Clerk (Ireland) Act, 1858, for the purposes mentioned in the said Act, as amended by subsequent enactments: 21 & 22 Vict., c. 100.

The expression "Dogs' Acts Account" means the account to which there are paid, as respects Northern Ireland, the proceeds of the sale of licences and stamps under the enactments mentioned in paragraph (*b*) of sub-section (1) of this section:

Digitized by Google

A.D. 1926.

The expression "statutory deductions" means all sums (other than the payments to the Exchequer and to local authorities under sub-section (3) of this section) which may, by virtue of any enactment be paid out of the Dogs Acts' Account or applied therefrom as an appropriation in aid.

PART IV.

GRANTS IN AID OF LOCAL EXPENDITURE.

Payment of certain grants out of the Road Fund. 13 & 14 Geo. 5, c. 31.

10. The sums which the Ministry of Home Affairs may pay under section ten of the Local Government Act (Northern Ireland), 1923, in aid of the expenditure of certain councils in connection with roads and bridges, shall be paid out of the Road Fund (Northern Ireland) and not out of moneys provided by Parliament; and accordingly sub-section (4) of section three of the Roads Act, 1920, shall have effect as if the following paragraph were inserted after paragraph (*a*) thereof:— 10 & 11 Geo. 5, c. 72.

"(*aa*) to the council of each county, county borough and urban district such sum as may be certified under section ten of the Local Government Act (Northern Ireland), 1923 (as amended by section two of the Local Government (Financial Provisions) Act (Northern Ireland), 1924) to be the equivalent of the payments formerly made to such council out of the Local Taxation (Ireland) Account in aid of the expenses incurred for the costs of the repair and maintenance of roads and bridges."

PART V.

GENERAL.

Short title, construction and repeal.

11.—(1) This Act may be cited as the Economy (Exchequer Relief) Act, 1926.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland.

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Digitized by Google

SCHEDULES.

FIRST SCHEDULE.

Section 6.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS RELATING TO NATIONAL HEALTH INSURANCE.

PART I.

Enactment to be amended.	Amendment.
National Health Insurance Act (Northern Ireland), 1924—	
Section 1 (2) - - - - -	For the words "of seven-ninths" where they occur in paragraph (*a*) of sub-section (2) there shall be substituted the words "in the case of a man of six-sevenths, and in the case of a woman of four-fifths"; and for the word "seven-ninths," where it occurs in paragraph (*b*) of the said sub-section, there shall be substituted the words "in the case of a man six-sevenths, and in the case of a woman four-fifths."
National Health Insurance Act, 1924—	
Section 59 (1) (*e*) (ii) as applied to Northern Ireland by section 117 (3)	"One-seventh" shall be substituted for "two-ninths."
Section 67 (1), as amended by paragraphs 3 and 4 of Part I. of the Fourth Schedule to the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925.	The sums to be retained out of each weekly contribution shall be in the case of a man one penny and one-tenth of a penny instead of one penny and five-ninths of a penny, and in the case of a woman four-fifths of a penny instead of one penny and three-tenths of a penny. The sums to be applied towards discharging the liabilities of the Ministry of Labour to approved societies in respect of

Digitized by Google

A.D. 1926

1st SCH. —*cont.*

Enactment to be amended.	Amendment.
National Health Insurance Act, 1924—	
	reserve values shall be in the case of a man seventeen-twentieths of a penny instead of one penny, and in the case of a woman eleven-twentieths of a penny instead of nine-tenths of a penny.
	The sum to be carried to the Central Fund shall be in the case of both men and women one-sixteenth of a penny, and the sum to be carried to the Contingencies Fund shall be in the case of both men and women three-sixteenths of a penny.
Section 68 (1) - - - -	"One-fourth" shall be substituted for "one-eighth" in both places where those words occur.
PART II.	
Section 58 (5) - - - -	"Sixpence" shall be substituted for "fivepence halfpenny."
Section 59 (1) (*a*) as applied to Northern Ireland by Section 117 (3) - - -	"Sixpence" shall be substituted for "fivepence halfpenny."
Section 62 (3) - - - -	"Three-fifths" shall be substituted for "three-sevenths."

SECOND SCHEDULE.

Section 8 (1).

RATES OF CONTRIBUTION ON WHICH THE AMOUNT OF THE CONTRIBUTION PAYABLE UNDER THE ENACTMENTS RELATING TO UNEMPLOYMENT INSURANCE OUT OF MONEYS PROVIDED BY PARLIAMENT IS TO BE CALCULATED.

Ordinary Rates.

	s.	*d.*
In respect of a man - - - - -	0	6
In respect of a woman - - - - -	0	4½

In the case of Persons under eighteen.

	s.	*d.*
In respect of a boy - - - - -	0	3
In respect of a girl - - - - -	0	2¼

Digitized by Google

In the case of Exempt Persons.

(1) During the extended period, or, if the extended period does not expire on or before 1st January, 1928, during the period ending on that date—

	s.	d.
In respect of a man	0	2½
In respect of a woman	0	2¼
In respect of a boy	0	1¼
In respect of a girl	0	1⅛

(2) During such time as the extended period continues after 1st January, 1928—

	s.	d.
In respect of a man	0	2
In respect of a woman	0	1¾
In respect of a boy	0	1
In respect of a girl	0	⅞

THIRD SCHEDULE.

Section 11 (3).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act (Northern Ireland), 1922.	Section two so far as unrepealed and Part II. of Schedule I.
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	Paragraph (*a*) of sub-section (2) of section sixty-nine; in sub-section (5) of section seventy-six the words "not exceeding one-half."
15 & 16 Geo. 5. c. 22.	The Unemployment Insurance Act (Northern Ireland), 1925.	Paragraph (*c*) of sub-section (1) of section three (except in so far as it relates to the meaning of the expression "the "1925 debt") as from the first day of January, nineteen hundred and twenty-six; paragraph (*b*) of sub-section (1) of section three and Schedule 2.
15 & 16 Geo. 5. c. 23.	The Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925.	Paragraphs 3 and 4 of Part I. of the Fourth Schedule as from the first day of January, nineteen hundred and twenty-six.

Digitized by Google

A.D. 1926.

CHAPTER 12.

An Act to amend and extend the law relating to ancient monuments, and to make provision for the preservation of objects of archaeological interest; and for other purposes in connection therewith. [1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

GUARDIANSHIP OF ANCIENT MONUMENTS.

Appointment of Ministry of Finance as guardian of ancient monuments.

1.—(1) The owner of any monument which appears to the Ministry of Finance to be an ancient monument within the meaning of this Act may by deed appoint that Ministry, with its consent, guardian of the monument.

(2) Where the owner of a monument appoints the Ministry of Finance to be guardian of a monument, any person entitled to any estate or interest in the monument, whether such estate or interest is the subject of a settlement or not, may join in the deed of appointment, or may at any time after the execution of the deed of appointment execute a separate deed, for the purpose of making more effective the appointment of the Ministry of Finance as guardian of the monument.

(3) Every such deed, to the extent to which it is expressed to operate, and can operate, under this Act, binds every person deriving title from any person executing it; and where the site of a monument or any estate or interest therein is the subject of a settlement, and a person executing the deed is a person having a power of sale of the settled land, such deed binds every person entitled to an estate, interest or charge subsisting or to arise under the settlement, but subject to, and with the exception of,—

(i) an estate, interest or charge having priority to the settlement;

Digitized by Google

A.D. 1926.

(ii) any estate, interest or charge which has been conveyed or created for securing money actually raised at the date of the deed;

(iii) all leases, grants of easements or other rights or privileges, granted or made before the date of the deed by the person executing the deed or by any of his predecessors in title or by any trustees for him or them under the settlement or under any statutory power, or being otherwise binding on the successors of the person executing the deed.

(4) For the purposes of this Act the expression "owner," where used in relation to a monument, means any person entitled to any estate or interest in the site of the monument who, by virtue of such estate or interest, is entitled to the actual possession of the monument, and includes any body corporate, local authority, corporation, trustees for charities, or commissioners or trustees for ecclesiastical, collegiate or other public purposes.

(5) Except as provided by this Act, the right to the possession of a monument or lands adjoining thereto shall not be affected by the appointment of the Ministry of Finance as guardian under this Act.

Effect of guardianship.

2.—(1) Where the Ministry of Finance has been appointed guardian of any monument under this Act, that Ministry shall maintain the monument and shall have access by its inspectors, agents or workmen to the monument for the purposes of inspecting it and of bringing such materials and doing such acts and things as may be required for its maintenance:

Provided that, if a person who is not bound by the deed by which the Ministry of Finance was appointed guardian becomes owner of the monument, the power of that Ministry to maintain the monument may be determined by notice in writing signed by such person and served on that Ministry, and such notice shall operate from the date of the service thereof.

(2) The expression "maintenance" in this section includes the fencing, repairing and covering in of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and the expression "maintain" shall be construed accordingly.

Digitized by Google

A.D. 1926.

PART II.

ACQUISITION OF ANCIENT MONUMENTS.

Purchase of ancient monuments by agreement.

3. The Ministry of Finance may purchase by agreement any monument which appears to it to be an ancient monument within the meaning of this Act.

Gift, devise or bequest of ancient monuments to Ministry of Finance.

4. Any person may, by deed or will, give, devise or bequeath to the Ministry of Finance the estate or interest in any ancient monument of which he may be seised or possessed, and that Ministry may accept any such gift, devise or bequest if, in the opinion of that Ministry, it is expedient to do so.

PART III.

PROTECTION OF ANCIENT MONUMENTS.

Notice to be given by owners of certain monuments

5.—(1) The Ministry of Finance shall from time to time cause to be prepared and published a list or lists containing—

(*a*) such monuments as are reported by the Advisory Committee constituted under this Act (in this Act referred to as "the Ancient Monuments Advisory Committee") as being ancient monuments the preservation of which is of national importance; and

(*b*) such other ancient monuments as the Ministry of Finance thinks fit;

and that Ministry shall, when it is intended to include a monument in the list, notify the owner of the monument of such intention and of the penalties which may be incurred by a person guilty of an offence under the next succeeding sub-section.

(2) Where the owner of any ancient monument which is included in any such list of monuments as aforesaid, after being notified as provided in the last preceding sub-section, proposes to demolish or remove in whole or in part, alter structurally, or make additions to, the monument, or make excavations in the neighbourhood thereof, he shall forthwith give notice of his intention to the Ministry of Finance, and shall not, except in the case of urgent necessity, commence any work of demolition, removal, alteration, addition or excavation, for a period of two months after having given

Digitized by Google

such notice; and any person guilty of a contravention of or non-compliance with this provision shall be liable, on conviction under the Summary Jurisdiction (Ireland) Acts, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

Orders placing ancient monuments under protection of Ministry of Finance.

6.—(1) If the Ancient Monuments Advisory Committee report to the Ministry of Finance that any monument is in danger of destruction or removal or damage from neglect or injudicious treatment, and that the preservation of the monument is of national importance, the Ministry of Finance may, if it appears that the monument is an ancient monument within the meaning of this Act, make an order (in this Act referred to as a Preservation Order) placing the monument under the protection of that Ministry:

Provided that, if in any case the Ministry of Finance considers that the making of such an order is a matter of immediate urgency, the order may be made without receiving any such report as aforesaid.

(2) Where the Ancient Monuments Advisory Committee have reason to believe that any monument is in danger as aforesaid, and that the preservation of the monument is of national importance, they may themselves, or by any person authorised in writing by them, enter at any reasonable time upon any premises for the purpose of enabling them to determine by inspection of the monument whether it is proper for them to report to the Ministry of Finance:

Provided that, unless the Ancient Monuments Advisory Committee consider that the inspection of the monument is a matter of immediate urgency, they shall give not less than seven clear days' notice to the occupier of the premises of their intention so to enter upon them.

(3) Every Preservation Order shall be laid before both Houses of Parliament as soon as may be after it is made, and if either of those Houses within the statutory period next after any Preservation Order is laid before it by resolution annuls the same, such Preservation Order shall forthwith become void, but without prejudice to the validity of anything which in the meantime may have been done thereunder. Subject as aforesaid, a Preservation Order shall have effect until revoked by the Ministry of Finance.

Digitized by Google

A.D. 1926.

For the purpose of this sub-section the expression "statutory period" means a period comprising five days at least on which the House in question has sat, but not being in any case shorter in duration than ten days, and days comprised in more than one session of Parliament may be reckoned for that purpose.

Effect of Preservation Orders.

7.—(1) While a Preservation Order is in force, the monument to which the Order relates shall not be demolished or removed, nor shall any additions or alterations be made thereto or any work be carried out in connection therewith, except with the written consent of the Ministry of Finance.

(2) If, while a Preservation Order is in force, it appears to the Ministry of Finance that, owing to the neglect of the owner or person having control of the monument, the monument is liable to fall into decay, the Ministry of Finance may make an Order appointing that Ministry guardian of the monument for the period during which the Preservation Order is in force, and in that case the provisions of this Act shall, during that period, take effect as if the Ministry of Finance had been appointed guardian by virtue of a deed executed by every person seised or possessed of, or entitled to, an estate or interest in the monument.

(3) Any order made under the last preceding sub-section may be revoked at any time by the Ministry of Finance.

Penalty for injuring ancient monuments

8. If any person injures or defaces any monument of which the Ministry of Finance or a county council is the owner or guardian, or which is the subject of a Preservation Order, or which has been included in a list of monuments published by the Ministry of Finance under this Part of this Act, that person shall, on conviction under the Summary Jurisdiction (Ireland) Acts, be liable to a fine not exceeding five pounds, and, in addition to the fine, to pay such sums as the court by whom he is tried think just for the purpose of repairing any damages caused by him, or to imprisonment for a term not exceeding one month.

Compensation for infringement of private rights.

9.—(1) Where, under the powers conferred by this Act, any act is done involving interference with private rights of property, compensation shall be payable by the Ministry of Finance.

Digitized by Google

A.D. 1926.

(2) If any dispute arises as to the amount of such compensation, such question shall be referred to, and determined by, an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections three and six of that Act shall apply accordingly. 9 & 10 Geo. 5 c. 57.

PART IV.

GENERAL.

Power to receive voluntary contributions for maintenance of ancient monuments.

10. The Ministry of Finance may receive voluntary contributions towards the cost of the maintenance and preservation of any monument which has become vested in that Ministry, or of which that Ministry has become the guardian under the provisions of this Act, and may enter into an agreement with the owner of any such monument, or with any other person, as to the maintenance and preservation of the monument and the cost thereof.

Powers of county councils with respect to ancient monuments.

11.—(1) The following provisions of this Act, namely:—

Part I.;

So much of Part II. as relates to the gift, devise or bequest of ancient monuments; and

The foregoing provisions of this Part;

shall apply to a county council (including the council of a county borough) as if the county council were substituted in those provisions for the Ministry of Finance; and, in addition to its powers in relation to monuments of which it is guardian, a county council shall have power to maintain and preserve any monument—

(*a*) which has been accepted by that council, or which it has agreed to maintain or preserve, under this Act; or

(*b*) which has been before the passing of this Act, or thereafter becomes, vested in that council by virtue of an order under sub-section (3) of section fourteen of the Irish Land Act, 1903; 3 Edw. 7, c. 37

The expenses incurred under this Act by a county council shall, in the case of a county borough council, be defrayed out of any rate or fund which the Ministry of Home Affairs may on the application of the council approve, and shall, in the case of any other county council, be defrayed out of the county fund as a county at large charge.

Digitized by Google

A.D. 1926.

(2) Where a county council is guardian of an ancient monument, such council may, with the consent of the owner of the monument, transfer the guardianship thereof to the Ministry of Finance, and the provisions of this Act shall apply accordingly.

Public access to ancient monuments.

12. The public shall have access to any monument which is vested in the Ministry of Finance or a county council, or of which that Ministry or a county council is guardian, at such times and under such conditions as may from time to time be prescribed by regulations of that Ministry or such county council respectively:

Provided that—

(i) this section shall not apply to any monument of which the Ministry of Finance or a county council has been appointed or constituted the guardian before the commencement of this Act, except in cases where the consent of the owner has been given to the public having access to the monument, either by the deed appointing or constituting that Ministry or such county council the guardian, or where a right of access has arisen through the acquiescence of the owner or otherwise; and

(ii) Where the deed appointing the Ministry of Finance or a county council the guardian of the monument is executed after the commencement of this Act, if the deed so provides, the public shall not have access to the monument without the consent of the owner of the monument.

Ancient Monuments Advisory Committee.

13.—(1) The Minister of Finance shall appoint the Ancient Monuments Advisory Committee, and that Committee shall consist of members representing the bodies named in the First Schedule to this Act, and such other members (of whom the Deputy Keeper of the Records of Northern Ireland shall be one) as the said Minister may appoint.

(2) The Governor of Northern Ireland may, by Order in Council, alter the First Schedule to this Act.

Digitized by Google

A.D. 1926.

(3) The Ancient Monuments Advisory Committee may, if so requested by the owner of an ancient monument, give advice, free of charge, except for out of pocket expenses, with reference to the treatment of the monument.

Expenses of Ministry of Finance and Advisory Committee.

14. There shall be paid out of moneys provided by Parliament such expenses as may be incurred by the Ministry of Finance in the exercise of its powers in connection with—

(*a*) the inspection and maintenance of ancient monuments, whether vested in the Ministry of Finance or of which that Ministry is guardian ;

(*b*) the purchase by agreement of any ancient monument ;

(*c*) the payment of compensation for acts done under this Act involving interference with private rights of property ; and

(*d*) the purchase or assistance towards the purchase of archaeological objects of which the finding has been reported to the Ancient Monuments Advisory Committee ;

and also such expenses of the Ancient Monuments Advisory Committee as may be sanctioned by the Ministry of Finance.

Advice and superintendence by Ministry of Finance.

15.—(1) The Ministry of Finance may, if it thinks fit, give advice with reference to the treatment of any ancient monument, and shall, as and when required, give that advice with reference to the treatment of any monument which is placed under the protection of the Ministry by virtue of a Preservation Order.

(2) The Ministry of Finance may superintend any work in connection with any ancient monument if invited to do so by the owner, and shall superintend any such work, whether required to do so by the owner or not, in connection with any monument which is placed under their protection by virtue of a Preservation Order.

(3) Any such advice and superintendence shall be given and afforded free of charge, except that a charge may be made for out-of-pocket expenses in the case of monuments which have not been placed under the protection of the Ministry of Finance by virtue of a Preservation Order.

Digitized by Google

A.D. 1926.

Power of councils to make bye-laws regulating advertisements. 7 Edw. 7, c. 27.

16. The Advertisements Regulation Act, 1907, shall be construed as if the powers of the local authority as defined by that Act included a power to make bye-laws, prohibiting or restricting the display of advertisements or notices of such a nature or in such a manner as to affect injuriously the amenities of any ancient monument.

Definition of "monument" and "ancient monument."

17. In this Act the expression "monument" includes any site, structure or erection (whether above or below the surface) other than an ecclesiastical building which is for the time being used for ecclesiastical purposes; and the expression "ancient monument" includes any monument or part or remains of a monument, the preservation of which is a matter of public interest by reason of the historic, architectural, traditional, artistic, or archaeological interest attaching thereto, and the site of any such monument or of any remains thereof, and any part of the adjoining land which may be required for the purpose of fencing, covering in, or otherwise preserving the monument from injury, or for the purpose of preserving the amenities of the monument, and also includes the means of access thereto.

Finding of archaeological objects

18.—(1) The finder of any archaeological object shall, within fourteen days of such finding, report the finding and character of the object and the circumstances of the finding to the Ancient Monuments Advisory Committee.

(2) Any person, being a finder of an archaeological object, who without reasonable cause fails to report the finding of such object as provided by sub-section (1) of this section or who refuses to give information or gives false information of the character of the object found, or of the circumstances of the finding, to the Ancient Monuments Advisory Committee or to such person or persons as may be prescribed by the Ministry of Finance shall be liable, on conviction under the Summary Jurisdiction (Ireland) Acts, to a fine not exceeding five pounds, or to imprisonment for a term not exceeding one month.

(3) In this section the expression "archaeological object" means any object, being a chattel whether in a manufactured or unmanufactured state, which, by reason of its archaeological or historic interest, has a value substantially greater than its intrinsic value or the value of the materials of which it is composed.

Digitized by Google

A.D. 1926

(4) The Ministry of Finance may, on the recommendation of the Ancient Monuments Advisory Committee, purchase by agreement or give assistance towards the purchase of archaeological objects, the finding of which has been reported under this section, and such objects when purchased shall be deposited for public exhibition in such places and subject to such conditions, as the Ministry may direct.

(5) The Ministry of Finance may make regulations—

(*a*) prescribing any officer of the Royal Ulster Constabulary as the person to whom reports are to be made or other information given with respect to archaeological objects;

(*b*) prescribing the body or bodies in whose custody archaeological objects may be deposited; and

(*c*) generally for carrying this section into effect.

(6) Nothing in this section shall be construed as affecting treasure trove, provided that regulations under this section may be made so as to apply to any archaeological object which is treasure trove, if the rights of the Crown in such object have been waived.

Repeal.

19. The enactments mentioned in the Second Schedule to this Act are hereby repealed, as respects Northern Ireland, to the extent specified in the third column of that schedule:

Provided that—

(i) any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act;

(ii) anything done under any Act repealed by this Act shall, for the purposes of this Act, be deemed to have been done under this Act;

(iii) the mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. 52 & 53 Vict., c. 63.

Short title.

20. This Act may be cited as the Ancient Monuments Act (Northern Ireland), 1926.

Digitized by Google

A.D. 1926.

Section 13

FIRST SCHEDULE.

The Ministry of Education for Northern Ireland.
The Queen's University, Belfast.
The Royal Irish Academy.
The Royal Institute of British Architects.
The Royal Society of Antiquaries of Ireland.
The Belfast Natural History and Philosophical Society.
The Belfast Naturalists Field Club.

Section 19.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict., c. 73.	The Ancient Monuments Protection Act, 1882.	The whole Act.
55 & 56 Vict., c. 46.	The Ancient Monuments Protection (Ireland) Act, 1892.	The whole Act.
61 & 62 Vict., c. 37.	The Local Government (Ireland) Act, 1898.	Sub-section (2) of section nineteen.
63 & 64 Vict., c. 34.	The Ancient Monuments Protection Act, 1900.	So much of the Act as relates to Northern Ireland.
10 Edw. 7 & 1 Geo. 5, c. 3.	The Ancient Monuments Protection Act, 1910.	The whole Act.

CHAPTER 13.

An Act to alter the constitution of the Senate of the Queen's University of Belfast.

[1st June, 1926.]

WHEREAS it is expedient to alter the constitution of the Queen's University of Belfast as provided by this Act, and the proposed alteration has been approved by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely, the Senate and the Academic Council and the Convocation of the University:

Digitized by Google

A.D. 1926.

Now, therefore, be it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 8 Edw. 7, c. 38.

1. The Senate of the Queen's University of Belfast shall be constituted in manner provided by the Schedule to this Act, and the First Schedule to the Irish Universities Act, 1908, and Section IX. (5) of the Charter of the University shall have effect accordingly, provided that nothing in this Act shall affect the tenure of office of existing members of the Senate.

Short title.

2. This Act may be cited as the Queen's University of Belfast Act (Northern Ireland), 1926.

SCHEDULE.

CONSTITUTION OF THE SENATE OF THE QUEEN'S UNIVERSITY OF BELFAST.

Ex-officio Members.

The Chancellor.
The Pro-Chancellors.
The President of the University, who is ex-officio Vice-Chancellor.
The Registrar.
The President for the time being of the Students' Representative Council, if a graduate of the University.

Nominated Members.

Four Persons nominated by His Majesty, of whom one at least shall be a woman.

Elected Members.

Six Professors of the University, elected by the Academic Council.
Eight Members of Convocation, elected by Convocation.
Three Persons, elected by the Executive Committee of the Better Equipment Fund.
A person, elected by the Education Committee of the Corporation of Belfast to represent the Belfast Municipal College of Technology.
A person, elected by the Corporation of Belfast.
A person, elected by the Council of the Belfast Chamber of Commerce.

Digitized by Google

A.D. 1926.

A person, elected by the Board of Management of the Royal Victoria Hospital, Belfast.
A person, elected by the Corporation of Londonderry.
Six persons, one elected by each of the six County Councils in Northern Ireland.

Co-opted Members.

Persons, not exceeding four, co-opted by the members of the Senate for the time being.

Members elected by the Corporation of Londonderry and the County Councils shall hold office for one year; the elections shall be held at the quarterly meeting of the Corporation in January and the annual meetings of the County Councils respectively in every year.

CHAPTER 14.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and to appropriate the Supplies granted in this Session of Parliament. [1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £5,586,250 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, the sum of five million, five hundred and eighty-six thousand, two hundred and fifty pounds.

Digitized by Google

A.D. 1926.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole two million seven hundred and fifty thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-seven, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of grants.

3. The sums granted by this Act and the other Act mentioned in Schedule (A) of this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of eight million, six hundred and forty-eight thousand, five hundred and thirty-four pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the several services and purposes expressed in Schedule (B) of this Act.

In addition to the sums hereby granted out of the said Consolidated Fund, there may be applied as appropriations in aid of the grants for the several services and purposes specified in Schedule (B) of this Act the sums respectively set forth in the last column of the said Schedule (B), and any of the sums set forth in that column may be so applied, notwithstanding that some part thereof may be derived from sums granted by Act

Digitized by Google

A.D. 1926.

of Parliament for other services specified in the said Schedule (B).

Declaration required in certain cases before receipt of sums appropriated.

4. A person shall not receive any part of a grant which may be made in pursuance of this Act for civil or police non-effective services, or any pension, superannuation allowance or gratuity from any fund towards which a grant may be made in pursuance of this Act, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Ministry of Finance before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Ministry of Finance may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title

5. This Act may be cited as the Appropriation Act (Northern Ireland), 1926.

SCHEDULE (A)

Section 3.

GRANTS OUT OF THE CONSOLIDATED FUND.

	£
For the service of the year ended on the 31st day of March, 1926 :—	
Under Act 16 Geo. 5, c. 7	1,056,784
For the service of the year ending on the 31st day of March, 1927 :—	
Under Act 16 Geo. 5, c. 7	2,005,500
Under this Act	5,586,250
TOTAL	£8,648,534

Section 3.

SCHEDULE (B).

PART I.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges

Digitized by Google

of the several Services herein particularly mentioned for the year ended on the 31st day of March, 1926, viz. :— A.D. 1926

	Sums Granted.	Appropriations in Aid.
No. CLASS I.	£	£
5. For expenditure in respect of public works and buildings	32,185	7,110
6. For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for production of the Belfast Gazette	800	—
No. CLASS II.		
1. For the salaries and expenses of the Ministry of Home Affairs ..	2,289	—
CLASS III.		
1. For the salaries and certain expenses of the Ministry of Labour ..	16,480	5,300
2. For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts ..	5,000	—
3. For the contributions to the Unemployment Fund under the Unemployment Insurance Acts, and the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926	1,000,000	—
CLASS IV.		
2. For the expenses of educational services, including grants in aid of the Teachers' Pension Fund ..	10	4,850
CLASS V.		
2. For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, agricultural statistics and afforestation, including sundry grants in aid and certain capital expenditure ..	10	1,736

Digitized by Google

A.D. 1926.

SCHEDULE (B)- PART I.—*continued.*

	Sums Granted.	Appropriations in Aid.
CLASS VI.	£	£
2. For the expenses of harbours and commercial services, including certain grants in aid and a subvention in aid of wages in the coal-mining industry	10	—

PART II.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1927, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
1.	For the salaries and expenses of the Senate and of the House of Commons, including a grant in aid ..	27,441	110
2.	For the salaries of the Department of the Prime Minister, the salaries of the Cabinet and of the Cabinet Secretariat, including the expenses of the Privy Council Office ..	14,196	—
3.	For a grant in aid of the Government Hospitality Fund	500	—
	CLASS II.		
1.	For the salaries and expenses of the Ministry of Finance, including revenue services, valuation, registration, loan services, public works, charity funds, Stationery Office, teachers' pensions, old age pensions, Civil Service Commission, Ulster savings, Loans Guarantee Act (Northern Ireland), 1922, collection of land purchase annuities and tithe rent charges, and the Census of Northern Ireland, 1926	192,745	26,915
2.	For the expenses of the Department of the Comptroller and Auditor-General	4,344	121
3.	For expenditure in respect of public works and buildings	199,915	142,866

Digitized by Google

PART II.—*continued.*

CLASS II.—Continued.	Sums Granted.	Appropriations in Aid.
No.	£	£
4. For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for production of the Belfast Gazette ..	2,980	27,535
5. For old age pensions under the Old Age Pensions Acts and under the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925, and for pensions under the Blind Persons Act, 1920	1,199,900	100
6. For superannuation, compensation, compassionate, and additional allowances and gratuities under the Superannuation Acts ; pensions and gratuities under the Civil Pensions Act (Northern Ireland), 1925, the Land Purchase (Ireland) Act, 1891, and the Church Temporalities Fund Act (Northern Ireland), 1922 ; non-statutory allowances and gratuities awarded by the Ministry of Finance ; and in respect of workmen's compensation insurance	4,440	—
7. For the salaries, allowances and expenses of the County Court services and Resident Magistrates, and sundry miscellaneous legal expenses, including certain grants in aid ..	25,724	3,705
8. For the expenses in respect of secret services	5,000	—
9. For the salaries and expenses of the Public Record Office	2,546	—
CLASS III.		
1. For the salaries and expenses of the Ministry of Home Affairs ..	59,605	9,485
2. For the salaries and expenses of the Royal Ulster Constabulary, including police women	803,736	49,850
3. For the salaries and expenses of the Special Constabulary	164,281	50,000
4. For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation and grant in relief of certain expenses payable by statute out of local rates	18,416	50

Digitized by Google

PART II.—*continued.*

No.		Sums Granted.	Appropriations in Aid.
	CLASS IV.	£	£
5.	For the expenses of prisons and the maintenance of criminal lunatics ..	54,863	16,155
6.	For the expenses of reformatory and industrial schools and places of detention	8,374	750
7.	For grants to local authorities in respect of health, housing, etc., and in relief of local rates, including a grant in aid	451,340	—
1.	For the salaries and certain expenses of the Ministry of Labour ..	133,278	119,155
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts ..	135,000	—
3.	For the contributions to the Unemployment Fund under the Unemployment Insurance Acts, and the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926 ..	1,667,000	—
4.	For grants to local authorities, etc., for assistance in carrying out approved schemes to relieve unemployment	160,000	—
5.	For the sum payable to the Ministry of Finance Pensions Account in accordance with the provisions of the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925	145,000	—
	CLASS V.		
1.	For the salaries and expenses of the Ministry of Education	71,671	—
2.	For the expenses of educational services	1,802,974	28,400
	CLASS VI.		
1.	For the salaries and expenses of the Ministry of Agriculture ..	64,448	200

Digitized by Google

PART II.—*continued.* A.D. 1926

CLASS VI.—Continued.	Sums Granted.	Appropriations in Aid.
	£	£
No.		
2. For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, agricultural statistics and afforestation and diseases of animals, including sundry grants in aid and certain capital expenditure	112,683	37,783
3. For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	7,957	1,100
CLASS VII.		
1 For the salaries and expenses of the Ministry of Commerce	21,266	885
2 For the expenses of fisheries, harbours, railways and commercial services, including certain grants in aid and a subvention in aid of wages in the coal-mining industry	30,127	411

CHAPTER 15.

An Act to amend the Laws relating to Juries in Northern Ireland. [1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Qualification of jurors. 39 & 40 Vict. c. 21.

1. The following provisions shall have effect in lieu of the provisions contained in section two of the Jurors Qualification (Ireland) Act, 1876, that is to say :—

(1) Every person being a subject of His Majesty between the ages of twenty-one and sixty-five years, residing in any county—

Digitized by Google

A.D. 1926.

(*a*) who is, either in his own name or as a member of a firm or co-partnership, rated or deemed for the purposes of this section to be rated for the relief of the poor in respect of lands, tenements, or hereditaments within such county of the net annual value fixed for such county in the First Schedule to this Act; or

(*b*) who is a director or manager of any company incorporated by any charter, or by or under the provisions of any Act of Parliament, and carrying on any such business within such county; or

(*c*) who is a member of any board of harbour commissioners or other body entrusted under the provisions of any Act of Parliament with the management of any harbour or docks within such county;

shall be qualified and liable (save as exempted or disqualified) to serve on all juries for the trial of all issues, civil and criminal, joined in any of His Majesty's courts and triable in such county, and shall also be qualified and liable (save as exempted or disqualified) to serve on grand juries at the general sessions of the peace within such county, and on every inquest or inquiry to be taken or made in such county by or before any under-sheriff, coroner or master in the Supreme Court or any division thereof.

A man shall be deemed for the purposes of this Act to be rated, if he is the husband of a woman who is rated for the relief of the poor in respect of lands, tenements, or hereditaments situate within the county in which he resides, and being of a net annual value which, when taken by itself or when added to the net annual value of any lands, tenements or hereditaments within the county in respect of which the husband is rated, amounts to the net annual value fixed for the county in the First Schedule to this Act:

Provided that a man shall not be deemed to be rated in respect of his wife's rated

Digitized by Google

property if it is proved to the county court, at the revision of the lists of jurors, that such property belongs to the wife as her separate estate to which she has become entitled otherwise than by a gift from, or arrangement with, her husband.

(2) The foregoing provisions, in their application to a county of a city, shall have effect with the following modifications:—

A person shall, although he is not actually resident in a county of a city, be deemed for the purposes of this section to be resident therein if, being resident within twenty-five statute miles of the court-house thereof, he possesses the rating qualification described in paragraph (*a*) of sub-section (1) of this section in respect of lands, tenements or hereditaments in such county of a city, or possesses one of the qualifications described in paragraph (*b*) or paragraph (*c*) of the said sub-section in a case where the company of which such person is a director or manager, or the board or body of which he is a member, has or occupies a counting house, office, shop or place of business situate in such county of a city. Such counting house, office, shop or place of business shall in the proper column of the general list of jurors and list of special jurors containing such person's, director's, manager's or member's name be stated as the place of abode of such person, and a summons for the attendance of a juror left at the place stated in the general jurors' book or special jurors' book as the place of abode of such juror with any person inhabiting therein, shall be deemed to have been duly served upon such juror.

(3) If, at any time after the passing of this Act, any urban district becomes, under the provisions of the Municipal Corporations (Ireland) Act, 1840, or any other enactment, a borough having a separate court of sessions of the

3 & 4 Vict., c. 108.

Digitized by Google

A.D. 1926.

peace or a court of record for the trial of civil actions, the provisions of this section shall apply to such borough, in like manner as they apply to a county not being a county of a city.

Preparation of lists of special jurors

2. The following provisions shall have effect in lieu of the provisions contained in section four of the Jurors Qualification (Ireland) Act, 1876, that is to say :—

(1) On or before the fifteenth day of August in every year the clerk of the crown and peace for every county shall, from each of the general lists of jurors furnished to him, cause to be made out for each area for which a general list of jurors is prepared, a true and complete list, in the form hereinafter prescribed by this section, containing the names of every person contained in the said general list—

(*a*) who is, either in his own name or as a member of a firm or co-partnership, rated, or deemed under the foregoing provisions of this Act to be rated, for the relief of the poor in respect of lands, tenements or hereditaments within the county of the net annual value fixed for such county in Part I. of the Second Schedule to this Act ; or

(*b*) who is qualified under this Act to serve on juries for the county by reason of being a director or manager of a company, or member of a board or other body.

(2) The lists of special jurors shall be in the form set out in Part II. of the Second Schedule to this Act, and the names contained in each of such lists shall be arranged in alphabetical order of surnames (and, where persons have the same surnames, in the alphabetical order of their Christian names) and consecutively numbered, and each such list shall contain the like particulars in every respect as the lists furnished to the clerk of the crown and peace, and when so made out shall be called the list of special jurors for the area for which it has been made out, and the clerk of the crown and peace shall, at the foot or end of every list of special

Digitized by Google

jurors made out by him, sign a declaration that the list has been fully and correctly prepared by him from the general list of jurors from which it has been made out.

The form of the special jurors book shall be modified to such extent as is necessary for the purposes of this sub-section.

Exemption from serving on juries. 39 & 40 Vict., c. 78.

3. The following provisions shall have effect in lieu of the provisions contained in section twenty of the Juries Procedure (Ireland) Act, 1876 (in this Act referred to as "the Juries Procedure Act"), that is to say:—

The persons described in the Third Schedule to this Act shall be absolutely freed and exempted from being returned and from serving on any jury, inquest or inquiry in any court or on any occasion whatsoever; and the names of such persons shall not be inserted in any jurors' lists (except so far as is necessary for determining any question of exemption when it first arises) or in any jurors books:

Provided that no verdict or trial shall be invalid or impeached on the ground that any person so exempted was sworn and served upon the jury which found such verdict at such trial.

Selection of grand jurors for Belfast City Commission.

4. It is hereby declared that, notwithstanding the provisions of any enactment or Order in Council, the persons to be returned to serve as grand jurors at the sittings of the courts of oyer and terminer and general gaol delivery to be holden for the county of the city of Belfast shall be selected by the sheriff in the same manner as persons are selected for service as grand jurors at the sittings of the courts of assize for any county in Northern Ireland.

Grand juries at courts of quarter sessions.

5.—(1) As from the appointed day on which this section comes into force grand juries at courts of quarter sessions shall be abolished, and thereafter an indictment may be presented to a court of quarter sessions without having been found by a grand jury if it is an indictment against a person committed for trial at that court for the offence charged by the indictment.

Digitized by Google

A.D. 1926.

Provided that the judge presiding at such court of quarter sessions shall, in addition to the powers now vested in him, have power to order an entry of No Bill in the Crown Book in respect of any indictment at such court of quarter sessions, if from the depositions he is of opinion that a grand jury, had this Act not been passed, would have been justified in finding No Bill on such indictment, and provided also that such entry shall be made before the accused is required to plead to such indictment.

(2) Save as aforesaid an indictment presented in pursuance of this section shall be presented and shall be proceeded with in the same manner as it would have been presented and proceeded with before the commencement of this section, and all enactments and rules of law relating to procedure in connection with indictable offences shall have effect accordingly, subject only to such modifications as are rendered necessary by the provisions of this section.

(3) An indictment against any person presented to a court of quarter sessions in pursuance of this section may contain, in addition to the counts for the offences specified in the caption of the depositions, any further counts founded on facts or evidence disclosed in any examination or deposition taken before a justice in the presence of the accused.

A court of quarter sessions may in any case direct any such further counts as aforesaid to be added to any indictment presented to the court.

Selection of jurors to be returned for service.

6. For the purpose of securing that the name of every juror shall be returned on the panels of jurors in its proper turn and order, the following provisions shall have effect :—

34 & 35 Vict. c. 65.

(*a*) In section nineteen of the Juries Act (Ireland), 1871 (in this Act referred to as "the Act of 1871") the words "taking the names of the persons not already summoned during the current or next two preceding years so far as may be necessary" shall cease to have effect ;

(*b*) In preparing a panel under the said section the under-sheriff or officer making the return—

(i) shall not return the name of more than one of the partners or directors of any co-partnership or firm ;

Digitized by Google

A.D. 1926

(ii) shall, in each particular letter, before taking the name next after the name of the person last summoned, take the name of a person (if any) who, when last summoned to attend as a juror, did not attend in obedience to such summons, or whose name was passed over by reason of subdivision (i) of this paragraph.

(*c*) In selecting from the first general jurors book and special jurors book brought into use after the appointed day the jurors to be returned on the first panels prepared therefrom, the under-sheriff or officer making the return shall commence his selection of jurors with the first name in the jurors book and shall, subject to the provisions of this Act, proceed through the names in the order prescribed by the said section nineteen of the Act of 1871 ;

(*d*) In section thirteen of the Act of 1871 six years shall be substituted for three years as the period after the expiration of which the jurors books are to be returned by the under-sheriff to the clerk of the crown and peace.

Revision of jurors' lists.

7.—(1) Notwithstanding any provision of the Juries (Ireland) Acts, 1871 to 1894 (in this Act referred to as "the Juries Acts"), the name of a person shall not be included in any list of jurors if that name has, after the appointed day, been expunged by the county court when revising a previous list, as being exempted or disqualified for service on juries for some permanent cause.

(2) It shall be the duty of the clerk of the crown and peace to take, with the assistance of the officers required to prepare the lists of jurors, all such steps as may be necessary in order to secure—

(*a*) that any question as to the disqualification or exemption of a person shall, when it first arises, be brought before the county court at the time of revision ;

(*b*) that where a name is expunged by the county court from the list as being exempted or disqualified for some temporary cause, such

Digitized by Google

A.D. 1926

record is kept as will enable the name to be re-inserted in the list to be prepared next after it appears that the temporary cause of exemption or disqualification is removed; and

(*c*) that notice of re-insertion of the name of a person in the list shall be given to that person at least seven days before the date fixed for the sitting of the county court for revision.

(3) The lists of jurors which are to be required by the clerk of the crown and peace and prepared by the officers charged with that duty shall contain the names of all persons whose names require to be inserted for compliance with the provisions of this section; and sections eight and nine of the Act of 1871 shall have effect accordingly.

(4) The provisions of section twelve of the Act of 1871 shall have effect as if the first day of September were substituted therein for the eighth day of September as the first day for the annual revision of the general lists of jurors and lists of special jurors by the county court.

Temporary Appointment of additional judge in connection with revision of jurors' lists for Belfast and Antrim.

8.—(1) If the Governor of Northern Ireland is satisfied that the Recorder of Belfast is unable by reason of the duties imposed upon him by the Juries Acts or this Act in connection with the revision of jurors' lists, to transact the business of his courts with proper dispatch, the said Governor may appoint the judge of the county court of any other county or county borough, or a practising barrister of not less than ten years' standing, to act as additional judge of the first-mentioned courts or any of them, during such period or periods of time in the years nineteen hundred and twenty-six and nineteen hundred and twenty-seven as the said Governor may direct, and subject to any conditions which the said Governor may impose. Any additional judge so appointed shall have all the powers, jurisdiction and privileges, and may perform any of the duties, of the Recorder of Belfast whether under the Juries Acts or this Act or otherwise.

In this section the expression "Recorder of Belfast" means the Recorder of Belfast and County Court Judge and Chairman of Antrim.

Digitized by Google

A.D. 1926.

(2) There shall be paid out of moneys provided by Parliament to any additional judge appointed under this section such remuneration and expenses as may be determined by the Minister of Home Affairs with the consent of the Ministry of Finance.

Areas for which lists of jurors are to be prepared.

9.—(1) One general list of jurors and one list of special jurors shall be prepared in every year for each county of a city, and for each borough which may be constituted at any time after the passing of this Act and for which a separate general jurors book is to be prepared by virtue of section fourteen of the Act of 1871 ; and such general list of jurors shall be prepared (with such assistance as is provided for by the Juries Acts) by the town clerk of the county borough consisting of the county of a city, or by the town clerk of the borough, or, if any such county borough or borough is comprised in a poor law union having an existing clerk, by such last-mentioned clerk.

(2) In a county not being a county of a city one general list of jurors shall in every year be prepared (with such assistance as is provided for by the Juries Acts) for each of the areas and by the respective officers hereinafter mentioned, that is to say—

(*a*) for each rural district not being, or comprised in, a poor law union having an existing clerk, by the secretary of the county council ;

(*b*) for each urban district not comprised in a poor law union having an existing clerk, by the clerk of such urban district ;

(*c*) for each poor law union having an existing clerk, by such clerk.

In any such county one list of special jurors shall be prepared for each of the areas for which a general list of jurors is to be prepared under this sub-section.

(3) For the purposes of this section the expression " existing clerk " means a clerk of a union who performs duties under the Juries Acts by virtue of the provisions of section one hundred and twenty-one of the Local Government (Ireland) Act, 1898. 61 & 62 Vict., c. 37

(4) References in the Juries Acts or any other enactment to a ward or barony, where they occur in

Digitized by Google

A.D. 1926.

relation to the preparation of lists of jurors, shall be construed as references to a county borough, borough, rural district, urban district or poor law union, as the case may require:

Provided that nothing in this sub-section shall be construed as requiring more than one precept for the preparation of lists of jurors to be issued to the secretary of a county council as respects the rural districts in a county.

Form of precept to be issued to local officers, &c.

10.—(1) The precepts to be issued by the several clerks of the crown and peace for the return of general lists of jurors by the officers whose duty it is to prepare those lists shall be according to the form set out in the Fourth Schedule to this Act; and any person to whom any such precept is issued, or whose assistance is required thereby, shall perform and comply with all the requisitions contained in such precept and applying to such person. The form of the general jurors book shall be modified to such extent as is necessary for the purposes of this section.

(2) For the purposes of any alphabetical order or series of names of jurors, the letters "Mac," and any abbreviation denoting those letters, shall be treated as a separate letter following the letter "M."

Chargeability of local expenses in connection with jurors' lists.

11. Where the clerk of the council of an urban district performs duties under sub-section (7) of section eighty-three of the Local Government (Ireland) Act, 1898, in relation to jurors' lists, that urban district shall be exempt from any county at large charge for raising the sums payable in respect of remuneration or expenses in connection with jurors' lists to the secretary of the council of the county in which that urban district is situate, to the clerk of any union in that county, or to the poor rate collectors assisting such secretary or clerk of a union.

Remuneration of existing local officers in connection with jurors' lists.

12. Each existing local officer who performs duties under the Juries Acts, as amended by this Act, shall be entitled to receive from time to time as his remuneration for duties performed by him as such officer, in connection with jurors' lists prepared after the appointed day, a sum not less than the average (as certified by the Ministry

Digitized by Google

A.D. 1926.

of Home Affairs) of the sums which he received as remuneration for the three years nineteen hundred and twenty-two, nineteen hundred and twenty-three and nineteen hundred and twenty-four, according to the scale fixed by the Order in Council made under section nine of the Juries Procedure Act on the twenty-sixth day of November, nineteen hundred and nineteen; and any future Order in Council which may be made under the said section nine shall have effect subject to the provisions of this section:

Provided always that upon the transfer after the passing of this Act to any existing local officer of the powers and duties in relation to jurors' lists of any clerk of a union pursuant to sub-section (7) of section eighty-three of the Local Government (Ireland) Act, 1898, the remuneration of such existing local officer to whom such powers and duties are so transferred in respect of the powers and duties so transferred shall be in addition to the sums which such existing local officer is hereinbefore declared or is entitled to receive in respect of the duties performed by him before such transfer according to the scale for the time being in force in respect of the powers and duties so transferred.

For the purposes of this section the expression "existing local officer" means a person holding office on the twenty-second day of April, nineteen hundred and twenty-six, as town clerk of a county borough, secretary of a county council, clerk of an urban district council, clerk of a union or poor-rate collector.

Provisions as to release and excusing of jurors.

13.—(1) For the purpose of releasing jurors from attendance for any period during the sitting of a court when they are not immediately required, the judge of any court may, if he thinks fit, divide into two or more sections any panel of jurors returned to that court by the sheriff; and the powers of such judge shall be extended so as to enable him to excuse from attendance on any specified days during the sitting of the court all of the jurors whose names appear in any one or more of the sections into which the panel has been divided.

(2) It is hereby declared that the powers of a judge include a power, at the conclusion of a trial of an exceptionally exacting nature, to excuse the members of the jury on such trial from further jury service, for such period as the judge may think fit.

Digitized by Google

A.D. 1926.

(3) Where a person summoned as a juror is in attendance, or is proved to the satisfaction of the court to have been prevented by ill health (duly certified under this section), or by other inevitable accident, from attending, and, upon the calling over of the panel returned by the sheriff, the court is satisfied that the name of that person ought to have been omitted from the jurors book by reason of facts causing that person to be exempt from, or disqualified for, jury service, the proper officer of the court shall inform the under-sheriff and the clerk of the crown and peace accordingly; and that person may be excused from attendance and the under-sheriff shall not take his name for the purpose of any subsequent panel to be returned from the same jurors book, and the clerk of the crown and peace shall bring the facts as to the disqualification or exemption of that person before the county court at its next sitting for the revision of jurors' lists.

(4) Where any person applies to be excused on the ground of ill health from attendance as a juror, the application shall not be entertained by the judge except upon the production, in addition to such other evidence as the judge thinks fit to require, of a certificate as to the state of health of the person seeking to be excused, and such certificate shall be signed by a registered medical practitioner in attendance upon such person, and shall be in accordance with the form set out in the Fifth Schedule to this Act.

Imposition of fines on defaulting jurors.
41 & 42 Vict., c. 69.

14.—(1) Any fine which may be imposed under section forty or section forty-eight of the Act of 1871, or under section nine of the Petty Sessions Clerks and Fines (Ireland) Act, 1878, in respect of non-attendance or other default on the part of a person summoned to attend on a jury, inquest or inquiry, shall be so imposed if the juror at any time when called does not answer to his name, unless some reasonable excuse for his non-attendance is proved to the satisfaction of the court or other authority having power to impose such fine; and so much of th said enactments as renders it necessary for any suc person to be called three times is hereby repealed.

(2) In any case where a fine has, under the said enactments or under section four of the Juries Procedure Act, been imposed upon any person for non-attendance

Digitized by Google

A.D. 1926.

as a juror or other default, the proper officer of the court shall, notwithstanding anything in the Fines Act (Ireland), 1851, send out the notice as to the imposition of the fine immediately after the conclusion of the sitting of the court at which it was imposed, and shall issue his warrant for the levy of the fine immediately upon the expiration of fourteen days from the date of the notice, unless in the meantime the fine is remitted by the judge who presided at such sitting (or by any judge of the Supreme Court) for cause shown; and the terms of the notice to be sent to any such person shall be amended accordingly.

14 & 15 Vict, c. 90.

Section nine of the Fines Act (Ireland) 1851, (which relates to appeals) shall cease to apply in cases of fines upon jurors.

(3) In this section the expression "juror" includes a viewer.

Remuneration and other expenses of jurors, &c., in civil trials.

15.—(1) Each person who has served upon a common jury in a civil trial in the High Court shall, when a verdict is found by the jury, or the action is settled after the jury has been sworn, be paid the sum of five shillings for his service.

(2) It is hereby declared that the sum which, under section seven of the Act passed by the Irish Parliament in the session held in the fortieth year of the reign of His Majesty King George the Third, chapter seventy-two, intituled, An Act for the better Regulation of Trials by Jury, in the Courts of King's Bench, Common Pleas, and Exchequer during term, and in the Sittings after Term, is required to be paid to a person who has served upon a special jury, is not payable unless a verdict is found by the jury or the action is settled after the jury has been sworn.

(3) Any sum payable to a juror under the foregoing provisions of this section shall be payable by the successful party to the proceedings, or, if the action has been settled, by such party as the judge may direct, and shall be taxable as part of the costs of such party.

(4) Where in a civil trial a rule or order is obtained under section thirty-eight of the Act of 1871 directing a view to be had by a common or special jury—

(*a*) each viewer shall be paid, in addition to any other payment authorised by this section or

Digitized by Google

A.D. 1926.

otherwise by law, such sum not exceeding one guinea as the court or judge may direct; and

(*b*) the under-sheriff shall be paid such sum in respect of the expenses incurred by him under the said section thirty-eight as the court or judge may direct.

Any sum payable under this sub-section shall, if the rule or order is obtained at the instance of one party to the proceedings, be paid by that party, and shall in any other case be paid by the parties to the proceedings in equal shares.

Detention of jurors in civil trials during interval for refreshment.

16. Jurors sworn in any civil trial may, in the discretion of the presiding judge, be detained during the adjournment of the court (other than an adjournment at the termination of the proceedings for the day) and be provided with reasonable refreshment during such adjournment; and the cost of such refreshment shall, if a verdict is found, be payable and taxable in like manner as sums payable under this Act to a juror for his service, and shall, if no verdict be found, be payable by the parties to the proceedings in equal shares.

Duties of jurors upon Coroner's inquest. 9 & 10 Vict., c. 37.

17. Notwithstanding anything contained in section forty-six of the Coroners (Ireland) Act, 1846, or in any other enactment, no juror upon an inquest held by a coroner shall be required to view the body at the first or any sitting of the inquest, unless the coroner in any particular case considers that such view is necessary in order to assist the jury in arriving at their verdict; and no inquisition nor judgment to which the said section relates shall be quashed, stayed or reversed because, by reason only of the provisions of this section, the body was not viewed by the jury upon an inquest.

Short title, construction, bringing of Act into operation, and repeal.

18.—(1) This Act may be cited as the Jury Laws Amendment Act (Northern Ireland), 1926, and shall be construed as one with the Juries Acts; and the Juries Acts and this Act may be cited together as the Juries Acts (Northern Ireland), 1871 to 1926.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day

Digitized by Google

as the Governor of Northern Ireland may by Order in Council appoint, and different days may be appointed for different purposes and for different provisions of this Act.

(4) The said Governor may, by Order in Council—

(*a*) make such provision as may appear to him to be necessary for the purpose of bringing any provisions of this Act into full operation; and

(*b*) (without prejudice to the generality of the foregoing provisions of this sub-section) alter, in connection with the first jurors books to be brought into use under the provisions of this Act, any dates fixed by the Juries Acts for the purposes of the preparation and revision of the lists from which the jurors books are to be prepared.

(5) Nothing in this Act shall affect the validity of any general jurors book or special jurors book prepared before the appointed day, or the qualification of any juror whose name appears in such book, until the first jurors books prepared under the provisions of this Act are brought into use.

(6) The enactments mentioned in the Sixth Schedule to this Act shall be repealed, as from the appointed day, to the extent specified in that Schedule.

FIRST SCHEDULE.

RATING QUALIFICATION OF JURORS.

Section 1

The net annual value of the rating qualification of jurors shall be as follows:—

1. In a county of a city. ..	1. A net annual value of £20 or upwards in respect of lands, tenements, or hereditaments within the county of a city.
2. In a county not being a county of a city	2. A net annual value of— (*a*) £20 or upwards in respect of lands, tenements, or hereditaments appearing on the ratebook to be situate in any urban district or town within the county; and (*b*) £16 or upwards in respect of lands, tenements, or hereditaments situate elsewhere in the county.

Digitized by Google

A.D. 1926.

SECOND SCHEDULE.

Section 2

PART I.

RATING QUALIFICATION OF SPECIAL JURORS.

The net annual value of the rating qualification of special jurors shall be as follows :—

1. In a county of a city	1. A net annual value of £50 or upwards in respect of lands, tenements, or hereditaments within the county of a city.
2. In the counties of— Antrim, Armagh, Down.	2. A net annual value of— (*a*) £50 or upwards in respect of lands, tenements, or hereditaments appearing on the ratebook to be situate in any urban district or town within the county; and (*b*) £100 or upwards in respect of lands, tenements, or hereditaments situate elsewhere in the county.
3. In the counties of— Fermanagh, Londonderry, Tyrone.	3. A net annual value of— (*a*) £50 or upwards in respect of lands, tenements, or hereditaments appearing on the ratebook to be situate in any urban district or town within the county; and (*b*) £70 or upwards in respect of lands, tenements, or hereditaments situate elsewhere in the county.

PART II.

FORM OF LIST OF SPECIAL JURORS.

County (or County Borough) of

List of special jurors for the (1)

(1) County Borough Rural District, Urban District, or Poor Law Union.

Prepared this day of

by the Clerk of the Crown and Peace for the said County (*or County Borough*).

* *In the case of a county borough omit this column*

Consecutive numbers.	Surnames in alphabetical order.	Christian names.	Place of abode and place of property.	*Rural District or Urban District in which place of abode is situate.	Nature of qualification.	Title, quality, calling or business, and in the case of a woman whether she is a spinster, married or widow.	Net annual value of rated property.	*Name of Post Office nearest to person's place of abode.

Digitized by Google

A.D. 1926.

I, the undersigned Clerk of the Crown and Peace of the do hereby declare that the above list of special jurors has been fully and correctly prepared by me from the general list of jurors for the(1)
in pursuance of the provisions of the Jury Laws Amendment Act (Northern Ireland), 1926.

Dated this day of in the year

Clerk of the Crown and Peace.

THIRD SCHEDULE.

Section 3

EXEMPTION FROM SERVING ON JURIES.

Peers.

Members of the Parliament of the United Kingdom or of the Parliament of Northern Ireland.

Clergymen in Holy Orders and other persons who teach or preach in any religious congregation, and who do not follow any secular occupation, except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to any court of justice in Northern Ireland.

Persons of the following professions actually practising:—

- Barristers-at-law.
- Solicitors.
- Registered medical practitioners.
- Registered dentists.
- Pharmaceutical chemists duly registered who are the proprietors of a business, and who have in their employ no duly qualified person or persons to assist them.
- Professors, schoolmasters, or teachers in any college, academy, or school.

Persons holding any public office paid from taxes, general or local, in any of the following capacities:—

- Secretary or assistant secretary of a department of the Government of Northern Ireland.
- Comptroller and Auditor-General for Northern Ireland.
- Officer of the Ministry of Home Affairs certified by the Minister of Home Affairs or by the Attorney General to be engaged directly in the administration of the criminal law.
- Governor or subordinate officer of a Prison.
- Officer of the Post Office, officer employed in any capacity by the Commissioners of Customs and Excise, or Commissioners of Inland Revenue, or officer in charge of any head office in Northern Ireland of a department of the Government of the United Kingdom.
- Officer of a local authority who has any statutory duty in connection with the preparation of jurors' lists.
- Keeper of a public lunatic asylum.

Officers of the Navy, Army and Air Force while on full pay.

Digitized by Google

A.D. 1926.

Officers and constables of the Royal Ulster Constabulary.
Special constables while on full pay.
Masters of vessels and duly licensed pilots.
Persons who cannot read and write the English language, or who from lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity, are unfit to serve as jurors.
And persons heretofore exempted by virtue of any prescription, charter, grant, writ, or local Act of Parliament.

Section 10

FOURTH SCHEDULE.

PRECEPT FOR THE RETURN OF LISTS OF JURORS.

COUNTY OR COUNTY BOROUGH OF :

(1) To the

(1) Secretary of the county council, town clerk, clerk of urban district, or clerk of union, *as the case may require.*

YOU ARE HEREBY REQUIRED, on or before the first day of August in this present year, to prepare a complete and true list according to the form sent herewith, for (2)

(2) each of the following rural districts, namely :— ..... the said county borough ; the urban district of ..... or the..... union, *as the case may require.*

of the names of all persons who are qualified under the Juries Acts (Northern Ireland), 1871 to 1926, to serve as jurors for the said county (or county borough), that is to say :—

A complete and true list containing the name of every person who resides within the said county (or county borough) and is—

(*a*) either in his own name or as a member of a firm or co-partnership, rated in the last rate made for the relief of the poor in respect of any lands, tenements, or hereditaments situate within (3) of the net annual value of (4) pounds or upwards ; or

(*b*) the husband of a woman rated as aforesaid in respect of lands, tenements or hereditaments situate within(3) of a net annual value which, when taken by itself, or when added to the net annual value of any lands, tenements or hereditaments within the said county (or county borough) in respect of which the husband is rated, amounts to the net annual value of (4) pounds or upwards ; or

(*c*) a director or manager of any company incorporated by any charter, or by or under the provisions of any Act of Parliament, and carrying on any such business within(3) ; or

(*d*) a member of any board of harbour commissioners or other body entrusted under the provisions of any Act of Parliament with the management of any harbour or dock within(3)

In the case of a county, not being a county borough, add here the following requisition :—

(3) the rural district; the said county borough ; the urban district of ..... or the..... union, *as the case may require.*

(4) Insert here the proper amount of the net annual value, according to the provisions o

Digitized by Google

the First Schedule to the Jury Laws Amendment Act (Northern Ireland), 1926.

"If any such person as aforesaid has a rating qualification, and that qualification is derived from the total of the net annual values of separate properties in more than one area for which a jurors list is to be prepared, his name is to be inserted in one list only, that is to say, in the list for some one rural district, urban district or union, within which any of the said properties is or are situate."

In the case of a county borough add here the following requisitions :—

"You are to include in the said list the name of every person who, although he does not actually reside in the said county borough, is resident within 25 statute miles of the courthouse thereof, if such person possesses any of the rating qualifications described in paragraphs (*a*) and (*b*) of this precept in respect of lands, tenements or hereditaments in the said county borough, or possesses any of the qualifications described in paragraphs (*c*) and (*d*) of this precept, in any case where the company of which such person is a director or manager, or the board or body of which he is a member, has or occupies a counting house, office, shop or place of business situate in the said county borough.

And you are to state the lands, tenements or hereditaments, or the counting house, office, shop or place of business in the proper column of the said list, as the place of property of such person."

AND YOU ARE REQUIRED to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary (but treating the letters "Mac," and any abbreviation denoting those letters, as a separate letter following the letter "M") and, where persons have the same surname, in the alphabetical order of their Christian names, similarly arranged, and consecutively numbered, and to enter the Christian name and surname of every person at full length with his true or last known place of abode, the nature of his qualification, his title, quality, calling or business (or, in the case of a woman, whether she is a spinster, married or widow) and the place and net annual value (or total of the net annual values, *if the case requires*), of the rated property from which his qualification is derived, and the other required particulars, in the proper columns of the forms sent herewith.

And if you have not a sufficient number of forms you must apply to me for more.

And in preparing the said list you are required—

*(1) to omit the name of every person who was returned by you on any previous list of jurors, and whose name was expunged therefrom by the County Court as being disqualified or exempted from serving as a juror, for some permanent cause or for a temporary cause which has not been removed;

*(2) to include the name of every person who was returned by you on any previous list of jurors, and whose name was expunged therefrom as being disqualified or exempted from serving as a juror for some temporary cause, in case it appears to you that the temporary cause of disqualification or exemption is removed;

*These requisitions, and the reference to them in requisition (3) following, are to be omitted from the precepts issued in the year 1926.

Digitized by Google

A.D. 1926.

(3) in case any person possessing any of the qualifications described in this precept appears to you to be under the age of 21 years or over the age of 65 years or otherwise disqualified or exempted from serving as a juror, to include (except as otherwise directed by the two last preceding requisitions) such person in the said list and to state that such person appears to be under or over such age, or to state the grounds for such disqualification or exemption, opposite to the name of such person in the proper column of the said form.

AND YOU ARE REQUIRED to cause the said list to be printed, and on or before the first day of August in the present year to deliver a printed copy of the said list with the declarations at the foot or end of the said list in the said form set forth, signed respectively by you and the poor rate collector or collectors by whose assistance you may have prepared the said list, to the Clerk of the Crown and Peace of the county (*or county borough*) of .

AND YOU ARE HEREBY REQUIRED, within twenty-one days after the delivery of the said list to the said Clerk of the Crown and Peace, to cause a sufficient number of printed copies of the said list to be published and posted within(3) for which the said list has been prepared.

(3) the rural district, the said county borough, the urban district of ..... or the..... union, *as the case may require.*

AND YOU ARE FURTHER REQUIRED to attend the County Court of the county of (*or the Recorder of the*), and produce the rate books relating to (3) at any of the Courts to be held for the revision of the said list (of the time and place of holding which you shall be previously informed) and there to answer on oath such questions as shall be put to you by the County Court Judge (*or Recorder*) then present touching the said list.

And those several matters you are in no wise to omit upon the peril that may ensue.

Given under my hand on this day of in the year .

Clerk of the Crown and Peace for .

GENERAL LIST OF JURORS.

COUNTY (OR COUNTY BOROUGH) OF :

Borough, Rural District, Urban District or Poor Law Union of .

General List of Jurors for the prepared this day of by the (1)

(1) Secretary of the County Council, Town Clerk, Clerk of Urban District or Clerk of Union, *as the case may require.*

Digitized by Google

If any person required by the precept to be included in the List is under 21 or over 65 years of age, or is disqualified or exempted make an entry accordingly in this column.	Consecutive numbers.	Surnames in alphabetical order.	Christian names.	Place of abode and place of property	*Rural District or Urban District in which place of abode is situate.	Nature of qualification.	Title, quality, calling, or business, and in the case of a woman whether she is a spinster, married or widow.	Net annual value of rated property.	*Name of Post Office nearest to person's place of abode.

**In the case of a county borough, omit this column*

We, the undersigned Collectors of Poor Rate, hereby declare that, so far as relates to each of our respective districts of collection, we have made due and diligent inquiry for the purpose of assisting the (1) in having the above list properly prepared, and we further declare that wherever any person under 21 or over 65 years of age, or disqualified or exempted from serving as a juror is required by the precept to be named in the said list, the fact of his being under or over age, or the grounds of such disqualification or exemption, are truly stated in the proper column of the above list, and that the true or last-known place of abode, nature of the qualification, title, quality, calling or business (or, in the case of a woman, whether she is a spinster, married, or widow), place and net annual value of rated property, and other required particulars, regarding each of the persons named in the above list are fully and truly stated therein, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

(1) Secretary of the County Council Town Clerk, Clerk of Urban District, or Clerk of union, *as the case may require.*

Dated this day of
in the year

Collectors of Poor Rate.

I, the undersigned, (1) do hereby declare that I have made due inquiry, with the assistance of the Collectors of Poor Rate, for the purpose of preparing the above General List of Jurors, and that the same has been fully and truly prepared by me from the appropriate rate books and otherwise, and that the several particulars stated in the above list regarding each person named therein are correctly stated to the best of my knowledge and information, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of
in the year

(1)
(*Secretary, &c.*).

Digitized by Google

A.D. 1926.
Section 13 (4).

FIFTH SCHEDULE.

FORM OF MEDICAL CERTIFICATE IN CASE OF JUROR APPLYING TO BE EXCUSED ON GROUND OF ILL HEALTH.

I certify that I have been in attendance upon for the period from the day of to the day of , and that the particulars of his (her) illness are as follows :—

1. Precise nature and probable duration of illness.

2. Dates of last two medical attendances.

3. Whether juror's attendance in court would involve—
   (*a*) personal risk to juror, or
   (*b*) danger of infection to persons in court.

4. Any other particulars likely to assist the presiding judge in deciding whether juror ought to be excused from attendance.

Signed,

Registered medical practitioner.

Date

Digitized by Google

A.D. 1926

Section 18 (6).

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
34 & 35 Vict., c. 65.	The Juries Act (Ireland). 1871.	In section nineteen the words "taking the names of the persons not already summoned during the current or next two preceding years so far as may be necessary."
35 & 36 Vict., c. 25.	The Juries (Ireland) Act, 1872.	Section four.
39 & 40 Vict., c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.
39 & 40 Vict., c. 78.	The Juries Procedure (Ireland) Act, 1876.	In paragraph 1 of section four, the words from "The names of persons who when" to "have not been summoned; and"; section twenty; the First Schedule."
61 & 62 Vict., c. 37.	The Local Government (Ireland) Act, 1898.	In sub-section (7) of section sixty-nine the words from "in like manner" to "are mentioned."

CHAPTER 16.

An Act to enable the Pension Fund (Northern Ireland) established for the purposes of the National School Teachers (Ireland) Act, 1879, and certain other funds to be amalgamated and applied for the purposes of superannuation schemes for teachers, and to provide for the inclusion of further provisions in such schemes, and for purposes connected therewith.

[1st June, 1926.]

Digitized by Google

A.D. 1926.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amalgamation of funds for purposes of teachers' pensions and superannuation schemes. 42 & 43 Vict. c. 74. 13 & 14 Geo. 5, c. 21.

1.—(1) The Pension Fund (Northern Ireland), which was established for the purposes of the National School Teachers (Ireland) Act, 1879 (which Act, together with the rules made thereunder, is in this Act referred to as "the Act of 1879"), together with any funds established for the purposes of superannuation schemes for teachers made and approved under sections seventy and seventy-one of the Education Act (Northern Ireland), 1923 (in this Act referred to as "the Education Act") shall as from the first day of April, nineteen hundred and twenty-six, form one fund and be held by the Ministry of Finance for the purposes of this Act and of such superannuation schemes; and the last-mentioned fund shall be called and is in this Act referred to as, "the Teachers' Superannuation Fund."

(2) All sums paid into any of the said funds before the first day of April, nineteen hundred and twenty-six, out of moneys provided by Parliament shall (whether paid in pursuance of any enactment or otherwise) be deemed to form part of the Teachers' Superannuation Fund.

(3) No payments shall be made into or out of the Teachers' Superannuation Fund except such as are authorised by this Act, but any contributions made to, or payments made out of, the said Pension Fund (Northern Ireland) or any other such fund as aforesaid, for the purposes of the Act of 1879 or of a superannuation scheme under the Education Act, shall, if made since the first day of April, nineteen hundred and twenty-six, and before the passing of this Act, be deemed to have been authorised by this Act, but without prejudice to the provisions of this Act with respect to the examination of accounts.

12 & 13 Geo. 5, c. 13.

(4) The Act of 1879, sub-section (2) of section two of the Church Temporalities Fund Act (Northern Ireland), 1922, and article three of the Government of Ireland (Educational Enactments, &c.) Order, 1922, are hereby repealed:

Digitized by Google

A.D. 1926.

Provided that so much of the Act of 1879 as enables deductions to be made from the salaries of teachers shall continue to apply in the case of those teachers to whom the said Act applied immediately before the passing of this Act, but subject to amendment by a superannuation scheme made and approved under sections seventy and seventy-one of the Education Act.

Investment of Teachers' Superannuation Fund, accounts and statistics.

2.—(1) Any moneys from time to time standing to the credit of the Teachers' Superannuation Fund may be invested by the Ministry of Finance in any securities in which trustees are by law authorised to invest trust funds, or in any securities issued in respect of any loan raised by the Government of Northern Ireland or guaranteed by the Ministry of Finance under the authority of an Act of Parliament; and the interest on all such investments shall form part of the income of the said Fund.

(2) The Ministry of Finance shall keep, in respect of each financial year, such accounts of the Teachers' Superannuation Fund as may be prescribed; and those accounts shall be examined by the Comptroller and Auditor-General for Northern Ireland, and shall, together with his report thereon, be laid before Parliament.

The Ministry of Finance shall prepare a special account in respect of the period from the first day of January, nineteen hundred and twenty-five to the thirty-first day of March, nineteen hundred and twenty-six, of all transactions in relation to the funds which, by virtue of this Act, form part of the Teachers' Superannuation Fund, and the said account shall be examined and reported upon and laid before Parliament in accordance with the provisions of this sub-section.

(3) The Ministry of Finance shall keep statistics in respect of each teacher to whom any superannuation scheme under the Education Act or any provisions of the Act of 1879 apply, and subsidiary accounts in respect of each class of such teachers; and those statistics and subsidiary accounts shall, at the expiration of the period of five years from the commencement of this Act, and at the expiration of every subsequent period of five years, or at lesser intervals if that Ministry so determine, be made the subject of actuarial investigation for the purpose of determining whether any such superannuation

Digitized by Google

A.D. 1926.

scheme or provisions require to be modified. A report of every such investigation shall be laid before both Houses of Parliament.

Payments to be made into Teachers' Superannuation Fund.

3.—(1) There shall be paid into the Teachers' Superannuation Fund at the prescribed time, and in the prescribed manner—

(*a*) the sums deducted from the salaries of teachers under the provisions of the Act of 1879 as continued by this Act;

(*b*) the sums deducted, in pursuance of any superannuation scheme under the Education Act, from or in respect of teachers' salaries or other payments made to teachers:

(*c*) the sums contributed by local authorities or managing authorities in pursuance of any such scheme in respect of teachers employed by those authorities;

(*d*) the sums contributed by the Ministry of Education, or by the Ministry of Agriculture, in pursuance of any such scheme in respect of teachers or other officers employed by such Ministry.

(2) If, as respects any financial year, it appears to the Ministry of Finance that the income of the Teachers' Superannuation Fund (including the sums payable in respect of that year from the contributions of teachers, local authorities, managing authorities and either such Ministry as aforesaid) will be insufficient to defray the charges arising on the said Fund, there shall be paid to the said Fund out of moneys provided by Parliament such sum as is certified by the Ministry of Finance to be sufficient to meet the estimated deficit, and any amount so paid shall be deemed for all purposes to be part of the income of the Fund.

Payments to be made out of Teachers' Superannuation Fund.

4. There shall be paid out of the Teachers' Superannuation Fund—

(*a*) to persons in receipt of pensions under the Act of 1879, or under the Act of 1879 as amended by any subsequent enactment (other than this Act), all such superannuation benefits as would, but for this Act, have been payable to those persons;

Digitized by Google

A.D. 1926.

(*b*) to teachers having pension rights under the Act of 1879, such superannuation benefits as would, but for this Act, have been granted to them under the Act of 1879, or as may be granted to them by virtue of their adoption of a superannuation scheme under the Education Act in lieu of the provisions of the Act of 1879;

(*c*) to teachers to whom any superannuation scheme under the Education Act applies, other than teachers mentioned in paragraph (*b*) of this sub-section, such superannuation benefits as may be granted to them in pursuance of such superannuation scheme;

(*d*) (within a period of six months from the first day of April, nineteen hundred and twenty-six) to teachers, local authorities, managing authorities, and the Exchequer of Northern Ireland, such amounts by way of refund of contributions as may be necessary for the adjustment of any superannuation scheme in force on the said first day of April;

(*e*) such portion of the superannuation allowance granted to any person to whom section three of the Superannuation Act (Northern Ireland), 1925, applies as is determined to be payable out of the Teachers' Superannuation Fund by regulations under paragraph (*b*) of sub-section (2) of that section.

15 & 16 Geo 5, c. 28.

All sums payable out of the Teachers' Superannuation Fund in respect of superannuation benefits shall be paid in such manner and at such times as may be provided by the appropriate superannuation scheme, or, in the case of superannuation benefits which, but for this Act, would have been payable under the Act of 1879, as provided by that Act.

Additional provisions applicable to superannuation schemes.

5.—(1) A superannuation scheme under section seventy of the Education Act may contain, in addition to the provisions mentioned in that section, provisions for all or any of the following purposes:—

(*a*) For the payment to the Teachers' Superannuation Fund of contributions—

(i) from a local authority or managing authority in respect of teachers employed

Digitized by Google

A.D. 1926.

by any such authority and being within the application of such superannuation scheme; and

(ii) from the Ministry of Education or Ministry of Agriculture in respect of teachers employed by either such Ministry and included in such superannuation scheme;

(*b*) For the inclusion in such superannuation scheme of teachers or officers employed by the Ministry of Education, or by any committee appointed by that Ministry, in connection with any training college for teachers established for the purposes of section sixty-five of the Education Act;

(*c*) For the inclusion in such superannuation scheme of teachers in agricultural subjects employed by the Ministry of Agriculture;

(*d*) For the inclusion in such superannuation scheme of whole-time officers employed by a managing authority in a secretarial or clerical capacity in connection with a school or institution managed by such authority.

(2) Any contributions payable by a local authority under any such superannuation scheme shall be paid out of the rate or fund applicable to defray the expenses incurred by that authority for the purposes of the Education Act, or of the enactments relating to agriculture, as the case may require; and the amount of any such contribution may be deducted annually or otherwise, as may be prescribed, from any grant payable by the Ministry of Education or Ministry of Agriculture to the local authority.

The amount of any contributions payable by a managing authority under any such superannuation scheme may be deducted annually or otherwise, as may be prescribed, from any grant payable by the Ministry of Education to the managing authority.

(3) A teacher to whom any such superannuation scheme applies may, at any time after reaching the age of sixty years, retire at his own request, or be called upon by the Ministry of Education or Ministry of Agriculture (as the scheme may provide) to retire, and there may be granted to him, on so retiring, such allowance or gratuity as, by the length of his service, he is

Digitized by Google

A.D. 1926.

qualified to receive in accordance with the superannuation scheme. The retirement of a teacher shall be compulsory on the attainment of sixty-five years of age, or seventy years of age in the case of teachers as respects whom the last-mentioned age is fixed as the age for compulsory retirement by virtue of a superannuation scheme in force immediately before the passing of this Act.

For the purposes of this sub-section a person shall be deemed to attain the age of sixty-five or seventy years on the sixty-fifth or seventieth anniversary of that person's birth, or on such later date, not being more than six months thereafter, as may be determined by the Ministry of Finance.

This sub-section shall not be construed as requiring that any male teacher who has adopted a superannuation scheme under the Education Act in lieu of the provisions of the Act of 1879 shall retire compulsorily before attaining the age of sixty-five years, or as prescribing sixty years as the age for retirement in the case of any teacher who had adopted such scheme in lieu of the provisions of the Act of 1879, and who under the said provisions would have been eligible to receive pension on retirement at an earlier age.

(4) Service which is reckoned for the purpose of a superannuation scheme or of superannuation benefits applicable to one class of teachers may be reckoned for the purpose of a scheme or benefits applicable to a different class, in cases where a teacher is transferred from one class to the other.

Provisions as to re-employment and duplicate pensions.

6.—(1) If a teacher in receipt of any superannuation benefit is again employed in contributing service, such benefit shall cease as from the date on which he becomes so employed, but without prejudice to the power of the Ministry of Finance to restore the superannuation benefit or to grant to the teacher subsequently other superannuation benefit.

(2) If a teacher in receipt of superannuation benefit is employed, otherwise than in contributing service, in any employment of which the remuneration is paid out of the Exchequer of Northern Ireland, or out of any fund under the control of the Government of Northern Ireland, or in respect of which a grant is made

Digitized by Google

A.D. 1926.

out of that Exchequer or fund, then the superannuation benefit may be suspended or reduced in such cases and for such periods as may appear to the Ministry of Finance to be equitable, having regard to the salary and emoluments of such employment.

(3) If the Ministry of Finance is of opinion that any service, in respect of which superannuation benefit may be granted, is also reckoned for the purpose of any other pension payable to a teacher directly or indirectly out of moneys provided by Parliament or raised by a rate, or out of any fund under the control of the Government of Northern Ireland, the Ministry of Finance may make such deductions from the superannuation benefit as may appear to that Ministry to be equitable, in order to secure that the teacher may not receive, in respect of the same service, superannuation benefit as well as such other pension as aforesaid.

For the purposes of this sub-section any years of service added, for the purposes of calculation of pension or superannuation benefits, to years of actual service shall be deemed to be service, and any sum payable by way of pension, superannuation allowance, compensation for loss or abolition of office, or otherwise, in respect of retirement shall be deemed to be pension.

Making of declaration prior to receipt of superannuation benefit.

7.—(1) A person shall not receive any sum in respect of superannuation benefit until he has subscribed such declaration as may, from time to time, be prescribed for proving his existence and identity:

Provided that, whenever any payments are made in respect of superannuation benefit at more frequent intervals than once in a quarter, the Ministry of Finance may dispense with the production of more than one declaration in respect of each quarter.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Reciprocal arrangements as to pensionable service of teachers.

8.—If reciprocal arrangements are made whereby in the case of any class of teachers—

(*a*) contributing service under this Act or the Act of 1879 may be reckoned for the purposes of

Digitized by Google

A.D. 1926.

any statutory scheme of pension or superannuation for teachers which is in force in Great Britain or in any other part of His Majesty's Dominions, and

(*b*) periods of pensionable service under such statutory scheme may be reckoned as contributing service under this Act,

provision may be made by regulations of the Ministry of Finance, and, so far as is necessary, by a superannuation scheme under the Education Act, for giving effect to such reciprocal arrangements; and the regulations may provide for the payment out of or into the income of the Teachers' Superannuation Fund of any sums which may, in accordance with such reciprocal arrangements, be payable to, or receivable from, the authority administering such first-mentioned statutory scheme.

Power of Ministry of Finance to make regulations and decide questions.

9.—(1) The Ministry of Finance may, after consultation with the Ministry of Education, and, in the case of teachers in agricultural subjects, with the Ministry of Agriculture, make regulations for the administration of this Act and for prescribing anything which is required by this Act to be prescribed; and all such regulations shall be laid before both Houses of Parliament as soon as may be after they are made.

(2) If any question arises as to the claim of any person or class of persons for any benefit, or as to the application of any provision of this Act to any person or class of persons, that question shall be referred to the Ministry of Finance, whose decision shall be final.

Interpretation and short title.

10.—(1) In this Act, unless the context otherwise requires—

The expression "local authority" means an education authority for the purposes of the Education Act, an urban district council, or a committee or joint committee established for the purposes of agriculture or technical instruction:

The expression "managing authority" means the board of management, trustees, or other governing body (not being a local authority) of a school or other educational institution in respect of which grants are made by the

Digitized by Google

A.D. 1926.

Ministry of Education or Ministry of Agriculture:

The expression "teacher" includes any officer employed by a Ministry or committee appointed by a Ministry, or by a managing authority, who may, under the provisions of this Act, be included in any superannuation scheme:

The expression "superannuation benefit" means any superannuation allowance, supplementary allowance, pension, gratuity, refund of contributions (with or without interest) or other benefit which may be granted in accordance with a superannuation scheme under the Education Act, or (subject to the provisions of this Act) in accordance with the provisions of the Act of 1879:

The expression "contributing service" means any period during which a teacher is liable to pay contributions in pursuance of a superannuation scheme under the Education Act, or (subject to the provisions of this Act) in pursuance of the Act of 1879.

(2) This Act may be cited as the Teachers' Superannuation Act (Northern Ireland), 1926.

CHAPTER 17.

An Act to amend the Firearms Act, 1920, in its application to Northern Ireland.

[1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Power to grant permits for possession of firearms and to order

1.—(1) No offence under section one of the Firearms Act, 1920 (in this Act referred to as "the principal Act") shall be deemed to be committed in the case of any person, by having in his possession within his

Digitized by Google

A.D. 1926.

destruction of firearms, &c.

10&11 Geo. 5, c. 43

dwelling-house a firearm or ammunition therefor, provided that he has obtained a permit for that purpose under this section (in this Act referred to as a "firearm permit"); and sub-section (8) of section one of the principal Act shall have effect accordingly.

(2) A chief officer of police having power to grant firearm certificates under the principal Act shall have power to grant a firearm permit to any person in his district who applies for such permit, if he is satisfied that the applicant is a person who can, without danger to the public safety or to the peace, be permitted to have in his possession within his dwelling-house a firearm and ammunition therefor, and on payment of the prescribed fee.

(3) A firearm permit shall be in the prescribed form, and shall specify the arms and ammunition in respect of which it is issued, and shall, unless previously revoked or cancelled, continue in force for one year, but shall be renewable for a further period of one year by the chief officer of police of the district in which the holder of the permit resides, and so from time to time. A firearm permit may be revoked by such chief officer of police if he is satisfied that the holder of the permit is unfitted to have possession of a firearm or ammunition.

(4) The following fees shall be paid on the grant and renewal, respectively, of a firearm permit:—

Where the applicant is not the holder of a firearm permit at the time of the application—Two shillings and sixpence;

Where the applicant is the holder of a firearm permit in force at the time of the application and is applying for the renewal of the permit—One shilling.

(5) A chief officer of police may order that any firearm (other than firearms to which section thirteen of the principal Act applies) or ammunition, which is surrendered to, or seized or found by any police officer or constable, and in respect of which a firearm permit or a firearm certificate or a permit under the principal Act has not been granted, shall be destroyed or otherwise disposed of.

Digitized by Google

A.D. 1926.

Appeals to Minister of Home Affairs in certain cases.

2.—(1) Any person aggrieved by a refusal of a chief officer of police to grant to him, or to vary or renew, a firearm certificate under the principal Act or a firearm permit, or by the revocation of any such certificate or permit, may appeal, in accordance with such rules as may be prescribed, to the Minister of Home Affairs; and the said Minister shall have power to make such order on the appeal as he thinks fit, and an order so made shall be final and not subject to appeal to any court.

(2) Sub-section (9) of section eighteen of the principal Act shall not be construed as referring to any appeal for which provision is made by this section.

Short title and construction.

3. This Act may be cited as the Firearms (Amendment) Act (Northern Ireland), 1926, and shall be construed as one with the principal Act.

CHAPTER 18.

An Act to extend the periods of operation of section one and of sub-section (2) of section three of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1924, and of sub-section (1) of section four of the Unemployment Insurance Act (Northern Ireland), 1925.

[1st June, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of operation of s. 1 and s. 3 (2) of Unemployment Insurance (No. 2) Act (Northern Ireland), 1924, and s. 4 (1) of Unemployment Insurance Act (Northern Ireland), 1925. 14 & 15 Geo. 5. c. 25. 15 & 16 Geo. 5. c. 22.

1. Section one of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1924 (which provides that until the thirtieth day of June, nineteen hundred and twenty-six, insured contributors are to have certain rights in respect of the receipt of unemployment benefit), sub-section (2) of section three of the said Act (which, as amended by section one of the Unemployment Insurance Act (Northern Ireland), 1925, provides that during the period between the commencement of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1924, and the thirtieth day of June, nineteen hundred and twenty-six, a person is to be entitled to receive benefit if the Ministry of Labour thinks fit so to direct notwithstanding that the first statutory condition may not have been fulfilled in his case), and sub-section (1) of section four of the

Digitized by Google

Unemployment Insurance Act (Northern Ireland), 1925 (which provides that it shall not be necessary for the Ministry of Labour at any time before the first day of July, nineteen hundred and twenty-six, to require any association to make for the purposes of proviso (*a*) tc sub-section (1) of section seventeen of the Unemployment Insurance Act, 1920, any greater provision for unemployment benefit than would have been required to be made for those purposes under that Act as originally enacted) shall have effect as if for the said thirtieth day of June, nineteen hundred and twenty-six and first day of July, nineteen hundred and twenty-six, respectively, there were substituted the day on which this Act expires. A.D. 1926.

2. This Act may be cited as the Unemployment Insurance Act (Northern Ireland), 1926, and the Unemployment Insurance Acts (Northern Ireland), 1920 to 1925 and this Act may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1926. Citation.

3. This Act shall, unless Parliament otherwise determines, expire on the thirty-first day of December, nineteen hundred and twenty-seven. Duration of Act.

CHAPTER 19.

An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, by increasing the amount of loans which may be guaranteed under the said Acts and extending the period for giving guarantees thereunder.

[30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

A.D. 1926

Amendment of 12 & 13 Geo. 5, c. 24, 13 & 14 Geo. 5, c. 15, s. 9 of 13 & 14 Geo. 5, c. 26, 14 Geo. 5, c. 2, 15 Geo. 5, c. 2, and 16 Geo. 5, c. 3.

1.—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under sub-section (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922 (in this Act referred to as "the principal Act"), as amended by subsequent enactments of the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, shall be increased from seven million pounds to nine million pounds.

(2) The power to give guarantees under the said section one of the principal Act may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and twenty-eight.

Short title and citation.

2. This Act may be cited as the Loans Guarantee (No. 2) Act (Northern Ireland), 1926, and shall be included amongst the Acts which may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1926.

CHAPTER 20.

An Act to continue certain Expiring Laws as respects Northern Ireland.

[30th November, 1926.]

WHEREAS the Acts (whether passed by the Parliament of the United Kingdom or by the Parliament of Northern Ireland) mentioned in the Schedule to this Act are, in so far as they are in force in Northern Ireland and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-six:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Digitized by Google

A.D. 1926.

Continuance of Acts in Schedule

1.—(1) The Acts mentioned in the several Parts of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued as respects Northern Ireland until the thirty-first day of December, nineteen hundred and twenty-seven, and shall then expire unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and construction.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act (Northern Ireland), 1926.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) Nothing in this Act shall be construed as affecting any enactment in so far as the enactment relates to a matter with respect to which the Parliament of Northern Ireland has not power to make laws.

SCHEDULE.

PART I.

Enactments of the United Kingdom Parliament continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 33 & 34 Vict., c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict., c. 100. 49 & 50 Vict., c. 6.
(2) 46 & 47 Vict., c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict., c. 77. 49 & 50 Vict., c. 59.

Digitized by Google

A.D. 1926

SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(2) 46 & 47 Vict., c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	54 & 55 Vict., c. 48. 54 & 55 Vict., c. 71. 55 & 56 Vict., c. 7. 59 & 60 Vict., c. 53. 61 & 62 Vict., c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 7 Edw. 7, c. 44. 9 Edw. 7, c. 42. 1 & 2 Geo. 5, c. 19. 4 & 5 Geo. 5, c. 32. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55. 13 & 14 Geo. 5. c. 23 (Northern Ireland).
(3) 2 & 3 Geo. 5, c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	—
(4) 4 & 5 Geo. 5, c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	—

Digitized by Google

SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(5) 4 & 5 Geo. 5, c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	5 & 6 Geo. 5, c. 19. 6 & 7 Geo. 5, c. 13. 6 & 7 Geo. 5, c. 18. 7 & 8 Geo. 5, c. 25. 9 & 10 Geo. 5, c. 64. 10 & 11 Geo. 5, c. 5. 14 & 15 Geo. 5, c. 21 (Northern Ireland).
(6) 8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.	10 & 11 Geo. 5, c. 14.
(7) 9 & 10 Geo. 5, c. 45.	The Housing (Ireland) Act, 1919.	Section twenty-one.	11 & 12 Geo. 5, c. 19. 13 & 14 Geo. 5, c. 30 (Northern Ireland). 14 & 15 Geo., 5 c. 28 (Northern Ireland). 15 & 16 Geo. 5, c. 13 (Northern Ireland). 16 & 17 Geo. 5, c. 2 (Northern Ireland).

Digitized by Google

A.D. 1926.

SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(8) 10 & 11 Geo. 5, c. 21.	The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	—
(9) 10 & 11 Geo. 5, c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	—
(10) 10 & 11 Geo. 5, c. 65.	The Employment of Women, Young Persons, and Children Act, 1920.	Section two.	—
(11) 11 & 12 Geo. 5, c. 66.	The National Health Insurance (Prolongation of Insurance) Act 1921.	The whole Act.	—
(12) 14 & 15 Geo. 5, c. 38.	The National Health Insurance Act, 1924.	Section fifty-four.	—

Digitized by Google

SCHEDULE.—(continued).

PART II.

Enactments of the Parliament of Northern Ireland continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 12 Geo. 5, c. 5.	The Local Government (Emergency Powers) Act, 1921 [N.I.].	The whole Act.	—
(2) 12 & 13 Geo. 5, c. 5.	The Civil Authorities (Special Powers) Act (Northern Ireland), 1922.	The whole Act.	—
(3) 14 & 15 Geo. 5, c. 16.	The National Health Insurance Act (Northern Ireland), 1924.	Section two.	—
(4) 15 & 16 Geo. 5, c. 7.	The Canals (Continuance of Charging Powers) Act (Northern Ireland), 1925.	The whole Act.	—

Digitized by Google

A.D. 1926.

CHAPTER 21.

An Act to amend section eleven of the Industrial Assurance Act (Northern Ireland), 1924, with respect to the exemption from that Act of juvenile societies. [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Exemption of certain juvenile societies. 14 & 15 Geo. 5. c. 21.

1. For section eleven of the Industrial Assurance Act (Northern Ireland), 1924, the following section shall be substituted :—

"**11.**—(1) This Act shall not apply to a juvenile society within the meaning of this section notwithstanding that premiums of the juvenile members of the society are received by means of collectors, if and so long as no premiums of any members of the society who are not juvenile members are so received.

"(2) For the purposes of this section the expression 'juvenile society' means a friendly society or branch, registered in Great Britain or Northern Ireland, which consists wholly or in part of juvenile members, and which is shown to the satisfaction of the Commissioner to be connected with, or is a branch of, a friendly society so registered before the first day of July, nineteen hundred and twenty-six; and the expression 'juvenile member' means a member under the age of eighteen years."

Short title, construction and citation.

2. This Act may be cited as the Industrial Assurance (Juvenile Societies) Act (Northern Ireland), 1926, and shall be construed as one with the Industrial Assurance Act (Northern Ireland), 1924, and that Act and this Act may be cited together as the Industrial Assurance Acts (Northern Ireland), 1924 and 1926.

Digitized by Google

CHAPTER 22.

A.D. 1926.

An Act to confirm and give effect to an agreement relating to the transfer of the Malone Training School to the Ministry of Home Affairs for the purposes of a Reformatory School and a Borstal Institution, and for purposes connected therewith. [30th November, 1926.]

WHEREAS by an agreement dated the seventeenth day of May, nineteen hundred and twenty-six, and made between William Augustus Ferrar, sole surviving trustee for and on behalf of the Society called the Malone Protestant Reformatory (in this Act referred to as "the trustee") of the first part, John A. Rankin, Joshua Pim, John Bristow, Francis Noel Cooke, John Green, De Vere Crossley, the Reverend S. R. McGarvey, the Reverend J. G. Paton, William Bruce Rainey Joy, Colonel James Morwood, James G. Marks, and John Maynard Sinclair, being the Committee of Management of the said Society (in this Act referred to as "the committee of management") of the second part, and the Ministry of Home Affairs for Northern Ireland (in this Act referred to as "the Ministry of Home Affairs") of the third part, which agreement is set out in the Schedule to this Act, and is in this Act referred to as "the agreement," it was agreed that, subject to the obtaining of the authority of the Ministry of Finance, so far as such authority is required under the enactments in force in Northern Ireland with respect to charitable donations and bequests, and to the passing of an Act of the Parliament of Northern Ireland for giving effect to the agreement, and to the other conditions mentioned therein, the Ministry of Home Affairs should take over from the trustee and the committee of management the premises described in the agreement, being the premises of the Reformatory School called the Malone Training School, and should use the said premises for the purposes of a Reformatory School and a Borstal Institution for Northern Ireland:

And whereas the authority of the Ministry of Finance, so far as required under the enactments aforesaid, has been obtained:

And whereas the provisions of the agreement cannot take effect without the authority of Parliament:

Digitized by Google

A.D. 1926.

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Confirmation of agreement and consequential provisions.

1.—(1) The agreement is hereby confirmed and shall have effect as if enacted in this Act.

(2) As from the passing of this Act—

(*a*) the premises described in the first and third schedules to the agreement shall be transferred from the trustee to the Ministry of Home Affairs, and shall, without the necessity of any assignment or other instrument, vest in and be held by that Ministry for the same estate, interest, and purposes, and subject to the same covenants and conditions, for and subject to which the said premises were held by the trustee immediately before the passing of this Act, except so far as those covenants, conditions and purposes are modified by this Act ;

8 Edw. 7, c. 67.

(*b*) the Reformatory School which was, before the passing of this Act, carried on by the committee of management in the said premises (in this Act referred to as "the Reformatory School") shall continue to be a certified reformatory school for male youthful offenders for the purposes of Part IV. of the Children Act, 1908, and shall be carried on by the Ministry of Home Affairs as the managers thereof, and the said Ministry shall have power to manage and maintain the Reformatory School, to appoint officers for, and make rules for the management and discipline of, the said School, and to do all such things as may be necessary for the exercise of the powers and duties of the said Ministry under this Act in relation to the said School ;

(*c*) a Borstal Institution for Northern Ireland (in this Act referred to as "the Borstal Institution") shall be deemed to have been established in the said premises for male young offenders under and for the purposes of Part I. of the Prevention of Crime Act, 1908.

8 Edw. 7, c. 59.

Digitized by Google

A.D. 1926.

(3) The enactments hereinafter in this sub-section mentioned shall, in their application to the Reformatory School and the Borstal Institution, be subject to the following modifications respectively:—

(*a*) Notwithstanding anything contained in sub-section (3) of section sixty-six or sub-section (18) of section one hundred and thirty-three of the Children Act, 1908, any youthful offender may be ordered to be sent or transferred to, and be detained in, the Reformatory School;

(*b*) Sections forty-five to fifty-two, inclusive, and fifty-four to fifty-six, inclusive, section seventy-three (so far as it relates to the expenses of youthful offenders detained in a certified reformatory school) and sub-section (1) of section seventy-four of the Children Act, 1908, shall not apply;

(*c*) The Ministry of Home Affairs may, if it thinks fit, decline to receive in the Reformatory School any youthful offender proposed to be sent to that Ministry for detention in the said School;

(*d*) In Part I. of the Prevention of Crime Act, 1908, the Minister of Home Affairs shall be substituted for the Governor of Northern Ireland, except in the provisions which relate to the approval of regulations by the said Governor and Privy Council;

(*e*) The provisions of the Superannuation (Prison Officers) Act, 1919, shall apply to any officer employed both in the Reformatory School and in the Borstal Institution and being an officer of such class as may be prescribed under that Act.

9 & 10 Geo. 5 c. 67.

Existing and pensioned officers of Reformatory School.

2.—(1) The officer who was immediately before the passing of this Act employed by the committee of management as manager of the Reformatory School shall, if he so desires, be employed by the Ministry of Home Affairs, on such terms and conditions as may be agreed upon, in the Reformatory School and the Borstal Institution.

Digitized by Google

A.D. 1926.

(2) The Superannuation Acts (Northern Ireland) 1921 to 1925, shall apply to any person who was immediately before the passing of this Act serving under the committee of management as a whole-time officer of the Reformatory School, and who is taken by the Ministry of Home Affairs into permanent employment as a whole-time officer under this Act; and, for the purposes of the said Superannuation Acts, every officer so taken into such employment shall be deemed to be a civil servant who was admitted into the permanent civil service of Northern Ireland on the date of his appointment by the committee of management as a whole-time officer of the Reformatory School, and to whom the Superannuation Act, 1909, applies. Where any officer is so taken into permanent employment both in the Borstal Institution and in the Reformatory School, the provisions of the Superannuation (Prison Officers) Act, 1919, shall apply to him, if he is an officer of such class as may be prescribed under that Act.

9 Edw. 7, c. 10.

(3) The Ministry of Home Affairs may, so far as the investments and funds specified in the fourth schedule to the agreement are sufficient for that purpose, pay to the officer mentioned in sub-section (1) of this section (whether he is employed by that Ministry or not) and to any officer of the Reformatory School who is not taken into permanent employment by that Ministry under this Act, such sums, by way of special bounties, as may be reasonable and authorised by the Ministry of Finance in respect of past services or as compensation for loss of office.

(4) Every person who was on the seventeenth day of May, nineteen hundred and twenty-six, and is at the passing of this Act, in receipt of a pension in respect of past employment by the committee of management at the Reformatory School, shall, during his lifetime, continue to receive such pension, and every such pension shall as from the passing of this Act be paid out of moneys provided by Parliament.

(5) If any question arises as to any claim or right of an officer, pensioner or other person under this section, that question shall be determined by the Ministry of Finance and such determination shall be final and conclusive.

Digitized by Google

A.D. 1926.

Financial provisions.

3.—(1) There shall be paid out of moneys provided by Parliament all such expenses as may be incurred with the sanction of the Ministry of Finance in connection with the management and maintenance of the Reformatory School and the Borstal Institution, and in connection with the maintenance of offenders in the said School and Institution.

(2) The liabilities of the trustee and the committee of management in connection with the Reformatory School outstanding on the date of the passing of this Act, and any special bounties payable under the provisions of this Act, shall be charged upon the investments and funds specified in the fourth schedule to the agreement, and the balance of the said investments and funds (if any) remaining after all such charges have been satisfied, shall be paid into, and form part of, the Capital Fund established under section four of the Exchequer and Financial Provisions Act (Northern Ireland), 1923. 13 Geo. 5, c. 4

(3) Where a youthful offender is ordered to be sent to the Reformatory School, the council of the county or county borough in which he resides (to be specified in the order) shall pay towards the expenses of such youthful offender, whilst detained in the Reformatory School, a contribution at such rate, and payable at such times, as may be determined by regulations made by the Ministry of Home Affairs with the approval of the Ministry of Finance; and the amount of any such contribution shall be defrayed by the council as expenses incurred by them under Part IV. of the Children Act, 1908, and shall, for the purposes of sub-section (3) of section ten of the Local Government Act (Northern Ireland), 1923, be a sum due from the council to the Ministry of Home Affairs, and be deductible from any grants which may be payable to the council under that section. 13 & 14 Geo. 5, c. 31.

Short title and construction.

4.—(1) This Act may be cited as the Malone Training School Act (Northern Ireland), 1926.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Digitized by Google

A.D. 1926.

SCHEDULE.

MEMORANDUM OF AGREEMENT made the Seventeenth day of May One Thousand Nine Hundred and Twenty-six between William Augustus Ferrar of Cloona, Dunmurry, in the County of Antrim, sole surviving Trustee for and on behalf of the Society called the Malone Protestant Reformatory (hereinafter called "the Trustee") of the first part, John A. Rankin of Meadowlands, Stockman's Lane, Belfast, Joshua Pim of No. 12 Adelaide Park, Belfast, John Bristow of No. 10 College Square North, Belfast, Francis Noel Cooke of Croft House, Holywood, in the County of Down, John Green, C.A., of 23 Myrtlefield Park, Belfast, De Vere Crossley of No. 20 Bedford Street, Belfast, the Revd. S. R. McGarvey of No. 23 Eglantine Gardens, Belfast, Reverend J. G. Paton, M.A., B.D., M.C., Jesmond, Bawnmore Road, Belfast, William Bruce Rainey Joy of No. 80 Bawnmore Road, Belfast, Colonel James Morwood of No. 4 Malone Park, Belfast, James G. Marks of No. 5 Deramore Drive, Belfast and John Maynard Sinclair of 38 Windsor Park, Belfast, being the Committee of Management of the said Society (hereinafter called "the Committee of Management") of the second part and the Ministry of Home Affairs for Northern Ireland (hereinafter called "the Ministry") of the third part WHEREAS by Indenture of Lease dated the twenty-fourth day of January one thousand eight hundred and sixty made between the Reverend Richard Binney, Clerk, and Mary Isabella Wilson, Spinster, as Executor and Executrix of the will of Alexander George Wilson deceased of the one part and Samuel Gibson Getty Frederick Kinahan William Samuel Tracy Jasper Macaulay and Charles Wolfe Shaw all expressed to be members of the Belfast Society for Reformation of Juvenile Offenders (subsequently called "the Malone Protestant Reformatory") as Trustees for and on behalf of the said Society of the other part the premises described in the first schedule hereto were demised to the said Trustees for a term of five hundred years thence ensuing subject to the yearly rent of One Hundred and Forty Pounds and Sixpence and subject to an additional yearly rent of Two Pounds per statute acre for every acre or part thereof which might thereafter be let or sublet for building purposes and subject also to the covenants on the part of the lessees and conditions therein contained AND WHEREAS by an Indenture by way of Appointment of New Trustees dated the twenty-ninth of September one thousand eight hundred and eighty-seven and made between the said Frederick Kinahan of the first part, Jasper Macaulay of the second part and Lavens M. Ewart William Henry Homles Lyons Robert Wallace Murray and James Rippingham Bristow of the third part, and the said Frederick Kinahan Lavens M. Ewart William Henry Holmes Lyons Robert Wallace Murray and James Rippingham Bristow of the fourth part reciting that the lands comprised in the said Indenture of Lease had been acquired by the Society for erecting thereon buildings to be used for the purposes of the said Society and that the said Society had under the provisions of the Statute 21 and 22 Victoria Cap. 103 obtained a Certificate constituting the Institution a Reformatory School, the premises comprised in the said Indenture of Lease were thereby vested in the said parties of the fourth part as Trustees in Trust for the Society and the objects and purposes thereof and subject to the control of the members of the said Society for the time being entitled to vote under

Digitized by Google

A.D. 1926.

the Rules, Constitution or usage thereof for the time being in force assembled in general meeting duly summoned or the majority of those present and also subject to the control of the President, Vice Presidents and Committee for the time being assembled in meeting duly summoned or a majority thereof at any such meeting AND WHEREAS by divers mesne assurances and acts in law and ultimately by an Indenture dated the thirty-first day of May one thousand nine hundred and five and made between the said William Henry Holmes Lyons and James Rippingham Bristow of the one part and Edward Coey Frederick Hunter Shaw and William Augustus Ferrar of the other part the premises comprised in the said Indenture of Lease became vested in the parties to the said Indenture of the first and second parts as Trustees for the Malone Protestant Reformatory (formerly known as the Belfast Society for the Reformation of Juvenile Offenders) AND WHEREAS by an Indenture dated the first day of January one thousand nine hundred and thirteen and made between the said Trustees of the one part and the Great Northern Railway Company (Ireland) of the other part it was witnessed that the said Company under the powers conferred on them by the Great Northern Railway (Ireland) Act 1911 and the Acts incorporated therewith did thereby and with the sanction of the Commissioners of Charitable Donations and Bequests acquire the premises more particularly described in the second schedule hereto being a part of the premises comprised in the said recited Indenture of Lease for the remainder of the term thereof subject to the sum of six pounds six shillings and ninepence apportioned part of the said rent upon payment of compensation amounting to the sum of six hundred and six pounds eleven shillings and threepence and subject also to the payment of a further sum of eight hundred and seventy-five pounds in the event of certain level crossings being closed by the Company and a footbridge and new road constructed AND WHEREAS by Indenture dated the fifth day of March one thousand nine hundred and fourteen and made between the said Trustees and the Great Northern Railway Company (Ireland) supplemental to the last recited Indenture it was witnessed that in consideration of the sum of eight hundred and seventy-five pounds compensation paid to the Vendors the said level crossing had been released on condition of the covenants by the Railway Company therein for providing a footbridge and constructing a new street in substitution for the said level crossing AND WHEREAS the residue of the premises comprised in the said Indenture of Lease and not acquired by the Railway Company as aforesaid is now vested in the said parties hereto of the first part as such Trustees as aforesaid for the term of the said lease subject to the yearly rent of one hundred and thirty-three pounds thirteen shillings and eightpence AND WHEREAS by an Indenture made the first day of June one thousand nine hundred and sixteen between Henry Robert Gordon Deacon Robert Gordon John Johnston Berry and William Gordon Crawford (therein called "the lessors") of the one part and the said James Rippingham Bristow Edward Coey William Augustus Ferrar William Henry Holmes Lyons and Frederick Hunter Shaw (therein called "the lessees") of the other part it was witnessed that in consideration of the sum of two hundred and twenty pounds paid by the lessors to the lessees by way of purchase of the tenancy or estate therein of the lessees and in consideration of the yearly rent of thirty-two pounds two shillings thereby reserved

Digitized by Google

A.D. 1926.

the lessors demised to the lessees the premises more particularly described in the third schedule for the term of ninety-nine years from the first day of May one thousand nine hundred and sixteen power being reserved to the lessors on notice to resume any part or parts of the said premises for building purposes and powers to the lessees to surrender AND WHEREAS the parties hereto of the first and second parts are also possessed of furniture fittings machinery farm stock and other stock chattels and effects used by them in connection with the said Reformatory and in addition hold the investments mentioned in the fourth schedule hereto AND WHEREAS for many years past owing to the greatly diminished number of boys for treatment in the institution it has become economically impossible to carry on the said Reformatory School in pursuance of the Trusts in that behalf and an increasing balance of indebtedness has been accumulating from year to year as against the institution so that the Trustees and Committee of Management of the Society felt compelled to give notice to the Ministry of their intention to surrender the Certificate but at the request of the Ministry have postponed such surrender so as to afford time to the Ministry to consider what alternative scheme if any might be adopted for utilizing the premises for the purposes aforesaid or such further or other purposes as might be carried on in conjunction therewith AND WHEREAS the debit balance against the institution on the fourteenth day of April one thousand nine hundred and twenty-six was the sum of one hundred and seventy pounds five shillings and the Trustees and Committee of Management have requested the Ministry to take over the premises comprised in the said Indentures together with the investments specified in the fourth schedule hereto and all furniture fittings machinery farm stock and other stock chattels and effects belonging to the said Society or held in connection therewith as a going concern upon the terms of the Ministry paying and discharging all liabilities that may be found owing as against the institution at the date of taking over and releasing the Trustees of the Society from the terms thereof AND WHEREAS it is considered by the Ministry that in view of the circumstances that have arisen resulting in a greatly diminished number of boys to be provided for in a Protestant Reformatory in Northern Ireland it is no longer economically possible to carry on such an institution for that purpose alone and that the said premises are amply sufficient in extent to be used for the additional purpose of establishing therein a Borstal Institution for Northern Ireland in addition to the Reformatory School IT IS THEREFORE HEREBY WITNESSED that subject to the approval of the Ministry of Finance as Commissioners of Charitable Donations and Bequests for Northern Ireland and subject to legislative sanction being granted by the Parliament of Northern Ireland the said Ministry agrees to accept the proposal of the Society and the Trustees and Committee of Management thereof to take over as a going concern the premises demised by the said Indentures of Lease and the said investments chattels and effects of the Society and to discharge all outstanding liabilities as aforesaid and to provide for the premises being hereafter continued with such sanction as aforesaid for the dual purpose of a Reformatory School and Borstal Institution for Northern Ireland In the case of the present Manager of the Malone Reformatory and of any other wholetime official whose services may be retained by the Ministry the period of wholetime service of such official with the

Digitized by Google

Malone Reformatory shall for pension superannuation or other benefits be reckoned as service with the Ministry And the Ministry further undertakes after consultation with the parties of the first and second parts to apply to the Ministry of Finance in their capacity of Commissioners as aforesaid for authority to pay out of the investments specified in the fourth schedule hereto to Mr. James Watson the present Manager of the Reformatory who is to be taken over by the Ministry and to such of the present officials of the Reformatory as may not be taken over by the Ministry of Home Affairs in pursuance of this agreement such sums by way of special bounties as may be reasonable and authorized by the Ministry of Finance in respect of past services or by way of compensation for loss of office.

FIRST SCHEDULE HEREINBEFORE REFERRED TO.

"All that piece or parcel of ground in Lower Malone aforesaid now or lately in the possession and occupation of the said Richard Binney and Mary Isabella Wilson or their undertenants containing by a survey lately made thereof by Charles Lanyon, Esq., C.E., 23 acres 1 rood and 14 perches statute measure or thereabouts be the same more or less in which measurement is included the ground required for the construction of a new intended road 30 feet wide to be constructed from the Post Road leading from Belfast to Lisburn to the portion of said premises hereby demised which lies to the North of the Ulster Railway bounded on the North by the Blackstaff River on the south by the said Post Road and by the Ulster Railway on the east partly by ground in the possession of William Coates, Esq., or his undertenants and partly by ground in the possession of the lessors and on the west by ground in the possession of Robert Thomson, Esq., of Castletown or his undertenants All which said piece or parcel of ground is situate lying and being within the Parish of Belfast Barony of Belfast and County of Antrim and is more particularly described in the map or plan thereof endorsed on these presents together with all and singular the rights members and appurtenances thereunto belonging or in anywise appertaining and also all houses erections buildings and improvements which now are or at any time hereafter during the continuance of this demise shall be erected built or made upon or in the said piece or parcel of ground and premises hereby demised or any part thereof Excepting and always reserving hereout all such matters and things as are excepted and reserved in and by the said recited conveyance of the 11th day of March 1857 from the Commissioners for Sale of Incumbered Estates in Ireland to the said Richard Binney and Mary Isabella Wilson And also reserving thereout to the said Richard Binney and Mary Isabella Wilson and their heirs and assigns full power and liberty to make construct and fully complete the said road so marked out as aforesaid and use the same by themselves and their lessees or tenants with horses carriages and otherwise howsoever as may be found fitting or convenient."

Digitized by Google

A.D. 1926.

SECOND SCHEDULE HEREINBEFORE REFERRED TO.

"All those parcels of land and hereditaments in the townland of Malone Lower in the Parish of Shankill and City and County of Belfast and particularized in the first second and third columns of the first schedule hereto and delineated and coloured red on the plan on or annexed to these presents the numbers in the first column of the said schedule and on the said plan referring to the corresponding numbers on the Deposited Parliamentary Plans and Books of Reference thereto of the Company relating to lands in the said townland."

DESCRIBED IN THE FIRST SCHEDULE REFERRED TO ABOVE AS :—

"No. on Plan.	Townland and Areas.	Description of property purchased.
22 (Part of 23 and Part of 24).	Malone Lower 1. 0. 9.	Porter's Lodge, Sheds and Tool House, Garden Gables, Manure Pit and Field."

THIRD SCHEDULE HEREINBEFORE REFERRED TO.

"All that part of the lands of Lower Malone containing 13a 2r 30p. statute measure or thereabouts situate in the Parish of Shankill otherwise Belfast and City and County Borough of Belfast which said lands are more particularly delineated in the said map or plan endorsed on these presents and are thereon surrounded by a red line Excepting out of this demise all mines minerals quarries and all royalties whatsoever and also all such matters and things as are excepted and reserved in and by the Grant whereby the said premises are held with others by the Lessors."

FOURTH SCHEDULE HEREINBEFORE REFERRED TO

£400.			5% War Stock 1929-47.
£70	12	10.	5% War Stock 1929-47.
£508	8	11.	Uninvested funds.
£385	0	0.	Great Northern Railway 4% Consolidated Preference Stock.

Digitized by Google

A.D. 1926

IN WITNESS WHEREOF the parties hereto of the first and second parts have hereunto set their hands and affixed their Seals and the Ministry of Home Affairs for Northern Ireland has caused its Corporate Seal to be affixed hereto the day and year first herein written.

Signed by the said William Augustus Ferrar in presence of William Leslie, 2 Wellington Place, Belfast, Chartered Accountant.	(Signed) W. A. FERRAR.	Seal.
Signed by the said John Bristow in presence of Wm. Moore, Solicitor's Assistant, 10 College Square N., Belfast.	JOHN A. RANKIN.	,,
	JOSHUA PIM.	,,
	JOHN BRISTOW.	,,
Signed by the said John A. Rankin, Joshua Pim, Francis Noel Cooke, John Green, De Vere Crossley, S. R. McGarvey, J. G. Paton, William Bruce Rainey Joy, James Morwood, James G. Marks and John Maynard Sinclair in presence of William Leslie, 2 Wellington Place, Belfast, Chartered Accountant.	FRANK N. COOKE.	,,
	JOHN GREEN.	,,
	DE VERE CROSSLEY.	,,
	S. R. MCGARVEY.	,,
	J. G. PATON.	,,
	W. BRUCE R. JOY.	,,
	JAMES MORWOOD.	,,
	JAMES G. MARKS.	,,
	J. M. SINCLAIR.	,,

The Corporate Seal of the Ministry of Home Affairs for Northern Ireland affixed by Order of the Ministry in presence of

SEAL

(Signed)
W. A. MAGILL,
Assistant Secretary.

CHAPTER 23.

An Act to prolong further the time for the operation of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments.

[30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

Amendment of s. 1 of 13 & 14 Geo. 5, c. 30, as to conditions for grants in respect of construction of houses.

1.—(1) Section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments of the Housing Acts (Northern Ireland), 1890 to 1926, shall have effect as if in paragraph (*c*) of sub-section (3) of that section for the words "first day of April, nineteen hundred and twenty-seven," there were substituted the words "first day of April, nineteen hundred and twenty-eight."

(2) A general resolution in force in the area of a local authority or in a rural district immediately before the passing of this Act shall, in so far as the local authority or council, by whom the resolution was adopted, expressly so determine (but not otherwise), have effect so as to apply to houses in respect of whose construction the Ministry of Home Affairs has power to make grants by virtue of sub-section (1) of this section; and, where the resolution was passed by a county council, such determination shall not be arrived at except upon the application of the council of the rural district within which the general resolution is in force.

(3) In this section the expression "general resolution" means a general resolution adopted—

(*a*) by a local authority or rural district council under sub-section (9) of section one of the Housing Act (Northern Ireland), 1923; or

(*b*) by a local authority or county council under section three of the Housing Act (Northern Ireland), 1925.

15 & 16 Geo. 5, c. 13,

Short title and citation.

2. This Act may be cited as the Housing (No. 2) Act (Northern Ireland), 1926, and shall be included amongst the Acts which may be cited together as the Housing Acts (Northern Ireland), 1890 to 1926, and shall be construed as one with the Housing Act (Northern Ireland), 1923, and the enactments amending that Act.

Digitized by Google

CHAPTER 24.

A.D. 1926.

An Act to amend the law relating to Stamp Duty in certain cases, and to re-enact, with amendments, the enactments charging Stamp Duty upon certain Instruments and provide for the application of the proceeds thereof.

[30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Exemption from stamp duty of certain Grants and Letters Patent. 54 & 55 Vict. c. 39.

1. The Stamp Act, 1891, shall, in its application to Northern Ireland, have effect as if under the heading in the First Schedule to that Act which relates to Grants and Letters Patent under the Great Seal of Northern Ireland the following exemption were specified :—

" *Exemption.*

" Grant or Letters Patent under the Great Seal of Northern Ireland of any honour or dignity (not being an office of profit) or privilege, which is granted in the interests of the public service and in the opinion of the Ministry of Finance ought to be stamped free of charge."

Duties on admissions to Inn of Court and degree of barrister-at-law.

2. (1) From and after the commencement of this Act, the stamp duties to be charged for the use of His Majesty upon the several instruments specified in the Schedule to this Act shall be the several duties in the said Schedule specified, which duties shall be in substitution for the corresponding duties specified in the First Schedule to the Stamp Act, 1891, as adapted in its application to Northern Ireland by article sixteen of the Government of Ireland (Adaptation of the Taxing Acts) Order, 1922, and shall be subject to the exemption contained in the Schedule to this Act.

(2) Where duty is payable upon an admission to which the Schedule to this Act relates, the memorial for admission presented to the Benchers of the Society referred to in the next following section of this Act shall

Digitized by Google

A.D. 1926.

be deemed to be a duly stamped instrument of admission, if it bears a stamp denoting the proper amount of duty and is endorsed with a memorandum of the admission signed by a Bencher or duly authorised officer of the said Society. Any such memorial may be stamped before the admission takes place, and if the prayer of the memorial is not granted, the amount of duty paid for such stamp shall be refunded.

Payment of certain sums to Inn of Court of Northern Ireland.

3. Whereas a society consisting of the Judges of the Supreme Court of Judicature of Northern Ireland and the members of the Bar practising in the courts of Northern Ireland, and known as the Society of the Inn of Court of Northern Ireland (in this section referred to as "the Society") has been formed for the purpose (amongst other purposes) of regulating admission to the Bar and providing for the legal education of students in Northern Ireland, and it is expedient that contributions should be made towards the expenses of the Society out of the proceeds of the stamp duties payable by students on admission to the Society, and on call to the Bar of Northern Ireland:

Therefore, the Ministry of Finance shall pay to the treasurer of the Society, to be applied by him according to the directions of the Society, the following sums out of, or consisting of, the duties paid in each financial year upon every admission of a person to the degree of barrister-at-law in Northern Ireland and upon every admission of a person to be a student of the Society (which duties are in this sub-section referred to as "the admission duties"), that is to say:—

If the total amount of the admission duties exceeds four hundred pounds	Seventy-five per cent. of the admission duties, or five hundred pounds, whichever is the lesser sum.
If the total amount of the admission duties exceeds three hundred pounds but does not exceed four hundred pounds	Three hundred pounds.

Digitized by Google

If the total amount of the admission duties is three hundred pounds or less than that sum	The actual amount of the admission duties.

Distinct accounts shall be kept of all sums forming part of the proceeds of the admission duties; and those sums, whether payable to the Exchequer of Northern Ireland or to the Society, shall be paid in such manner and at such times as the Ministry of Finance may direct.

This section shall have effect as from the commencement of the financial year current at the date of the passing of this Act.

4. This Act may be cited as the Finance (Stamp Duty) Act (Northern Ireland), 1926. **Short title.**

SCHEDULE. DUTY

Section 2.

ADMISSION in Northern Ireland of any person—

To the degree of barrister-at-law:

If he has been previously duly admitted to the said degree in England, or as an advocate in Scotland	£10
In any other case	£50

Exemption.

Admission of any person who, having been before the 1st August, 1925, admitted a student of the Society of King's Inns in Dublin, and enrolled under the regulations of the said Society as a Northern student, has been duly admitted by the said Society to the degree of barrister-at-law.

ADMISSION of any person—

To be a student of the Society of the Inn of Court of Northern Ireland	£25

Digitized by Google

A.D. 1926.

CHAPTER 25.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and to appropriate the further Supplies granted in this Session of Parliament. [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £15,616 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, the sum of fifteen thousand, six hundred and sixteen pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole eight thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-seven, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

Digitized by Google

A.D. 1926.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANT.

Appropriation of grant.

3. The sum granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty is appropriated for the several services and purposes expressed in the Schedule of this Act.

In addition to the sum granted by this Act out of the said Consolidated Fund, the sum specified in the last column of the said Schedule may be applied as an appropriation in aid of the grant for the service in connection with which such sum is specified.

Short title.

4. This Act may be cited as the Appropriation (No. 2) Act (Northern Ireland), 1926.

SCHEDULE.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1927, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS II.	£	£
10.	For a contributory payment towards interest charges under section 2 (1) (*b*) of the Loans Guarantee Act (Northern Ireland), 1926 ..	6,870	—
	CLASS IV.		
4.	For grants to local authorities, &c., in Northern Ireland for assistance in carrying out approved schemes to relieve unemployment and for expenses in connection with training unemployed persons for over-sea settlement	10	—

Digitized by Google

A.D. 1926.

SCHEDULE—(Continued).

	Sums Granted.	Appropriations in Aid.
CLASS VI.	£	£
2. For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, agricultural statistics, afforestation and diseases of animals, including sundry grants in aid and certain capital expenditure	1,350	1,000
CLASS VII.		
2. For the expenses of the Ministry of Commerce in respect of fisheries, harbours, railways and commercial services, including certain grants in aid, a subvention in aid of wages in the coal-mining industry, and any loss that may be incurred by the said Ministry in the purchase and sale of imported coal during the stoppage in the coal industry ..	7,386	—

CHAPTER 26.

An Act to remove doubts as to the powers of local authorities to make certain payments for the purposes of section one of the Local Government (Emergency Provisions) Act, 1916.

[30th November, 1926].

BE it enacted by the King's most Excellent Majesty, and by the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Inclusion of bonus and salary increments in calculation of payments agreed to be made to local officers, &c., in respect of periods of war service. 6 & 7 Geo. 5, c. 12.

1.—(1) In calculating the amount of any payment or payments, based on salary or wages, which a local authority at any time during the late war agreed to make, for any purpose authorised by section one of the Local Government (Emergency Provisions) Act, 1916, to an officer or servant to whom the said section was applicable, or to the wife, widow or other dependants of any such officer or servant, the local authority may, if they think fit, take into account any bonus and increment of salary or wages which would have been payable to such officer or servant, if he had remained in the actual service of the

Digitized by Google

local authority during the period of his service in or with His Majesty's Forces (including service in connection with naval or military operations to which the said section extended); and such local authority may accordingly pay, or agree to pay, such proportion (if any) of the said bonus and increment of salary or wages as they may decide, but in no case exceeding the proportion of salary or wages specified in any agreement made before the termination of the late war.

(2) Notwithstanding any enactment to the contrary, payments made under this Act shall be deemed to be lawfully made if made before the thirty-first day of March, nineteen hundred and twenty-eight; and payments made at any time before the passing of this Act shall be deemed to have been lawfully made, if and so far as they would have been authorised by this Act had it been then in force.

Short title.

2. This Act may be cited as the Local Government (War Service Payments) Act (Northern Ireland), 1926.

CHAPTER 27.

An Act to amend certain enactments relating to Government Loans, Consolidated Fund charges and Exchequer borrowing, the audit of accounts, and the salary and superannuation of the Comptroller and Auditor-General for Northern Ireland. [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Advances for Government Loans for period ending on 31st March, 1929. 15 & 16 Geo. 5, c. 17.

1. Sub-section (3) of section one of the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925 (which authorises the issue of certain sums for the purpose of Government Loans), shall have effect as if—

(*a*) the words "thirty-first day of March, nineteen hundred and twenty-nine" were substituted

Digitized by Google

A.D. 1926.

therein for the words "thirty-first day of March, nineteen hundred and twenty-seven"; and

(*b*) the words "the aggregate sum of four million two hundred and fifty thousand pounds" were substituted for paragraphs (*a*) and (*b*) thereof.

Consolidation and amendment of enactments relating to local loans, land and works loans and development loans.

2.—(1) The Ministry of Finance may, if it thinks fit, advance money, under and subject to the provisions of Part I. of the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925, for the purpose of any of the loans described in the First Schedule to this Act; and that Schedule shall be substituted for paragraphs 1, 2, and 3 of the Schedule to the first-mentioned Act.

(2) Any moneys advanced for the purpose of Government Loans to which this section applies shall be advanced upon such security, and on such terms as to rate of interest, repayment and otherwise, as may be determined by the Ministry of Finance.

(3) A loan of any description contained in paragraph 2, or paragraph 3, of the First Schedule to this Act shall not be made for the purpose of discharging any debt due and incurred before the making of an application for the loan, except in any case where such application was made before the twenty-seventh day of October, nineteen hundred and twenty-six.

Extension of limit on amount of certain Consolidated Fund charges 14 & 15 Geo. 5, c. 13.

3. Section two of the Exchequer and Financial Provisions Act (Northern Ireland), 1924, as amended by sub-section (2) of section thirteen of the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925 (which enables certain capital expenditure on police barracks, &c., to be charged on the Consolidated Fund), shall have effect as if the words "eight hundred thousand pounds" were substituted therein for the words "three hundred and seventy-five thousand pounds."

Audit of accounts by Comptroller and Auditor-General. 12 Geo. 5, c. 2, (Northern Ireland).

4. The following provision shall be inserted in the Exchequer and Audit Act, 1921, after section twenty-seven thereof, that is to say:—

"**27a.** It shall be lawful for the Comptroller and Auditor-General, in the examination of any accounts, to admit and allow, in cases where it appears

Digitized by Google

A.D. 1926.

to him to be reasonable and expedient for the public service, vouchers for any moneys expressed therein, although such vouchers are not stamped according to law."

Provisions as to salary and superannuation, &c., of Comptroller and Auditor-General.

5.—(1) Section twenty-eight of the Exchequer and Audit Act, 1921, shall have effect with the following amendments :—

(*a*) The annual salary to be paid to the Comptroller and Auditor-General under the said section shall, as from the twenty-eighth day of April, nineteen hundred and twenty-six, be at the following rates :—At the rate of twelve hundred pounds for the first year of service, rising in each subsequent year by a sum of fifty pounds until the rate of fifteen hundred pounds a year is reached, and thereafter at the rate of fifteen hundred pounds a year ;

(*b*) The Comptroller and Auditor-General shall not be capable of holding his office after he has attained the age of sixty-five years.

(2) The service of any person as Comptroller and Auditor-General shall, as from the establishment of that office, be treated for the purposes of the Superannuation Acts (Northern Ireland), 1921 to 1925, as service in an established capacity in the permanent civil service of Northern Ireland :

Provided that—

(i) the amount of any superannuation allowance, additional allowance, compensation or gratuity which may be granted to, or in the case of, such person shall be charged on and issued out of the Consolidated Fund of Northern Ireland ;

(ii) nothing in this sub-section shall affect the right of any person to receive any allowance, compensation, or gratuity which may be awarded to, or in the case of, an existing Irish officer under the provisions of the Government of Ireland Act, 1920, but no such person shall be entitled to receive any allowance, compensation or gratuity under

10 & 11 Geo. 5, c. 67.

Digitized by Google

A.D. 1926

this section if any allowance, compensation or gratuity has been awarded to him under the last-mentioned Act.

Repeals.

6. The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (as to the effect of repeals), nothing in this repeal shall affect the security for, or the repayment or power of recovering the principal or interest of, any loan made under any enactment hereby repealed, or the power to issue any advance on foot of a loan agreed to be made under any such enactment.

Short title.

7. This Act may be cited as the Exchequer and Financial Provisions Act (Northern Ireland), 1926.

FIRST SCHEDULE.

DESCRIPTION OF GOVERNMENT LOANS TO WHICH THIS ACT APPLIES.

1. LOCAL LOANS:	That is to say, any loan to the council of a county, county borough or urban or rural district, commissioners of a town, guardians of a poor law union, drainage authority, or other commissioners or public body constituted by or under an Act of Parliament, being a loan made for a purpose for which such council, commissioners, guardians, authority or body have statutory power to borrow money, and subject to any statutory conditions limiting that power.
2. LAND AND WORKS LOANS:	That is to say, any loan (not being a Local Loan) which the Ministry of Finance has power to make by virtue of the powers transferred to that Ministry from the Commissioners of Public Works in Ireland, and any loan for assisting a civil servant to purchase or build a house for his accommodation.

Digitized by Google

3. DEVELOPMENT LOANS: That is to say, loans for any of the following purposes:—

(*a*) Agricultural:

(i) The development and improvement of agricultural land and live stock and of land suited for forestry or woodland purposes:

(ii) The purchase of agricultural machinery, implements and equipment, and the purchase or erection of agricultural buildings;

(iii) The development of rural or agricultural industries, where expenditure of a capital nature is involved;

(*b*) Sea or Inland Fishery:

(i) The construction of piers and harbours for the purposes of sea fisheries;

(ii) The supply of fishing boats, engines and equipment;

(iii) The development of any industries immediately connected with and subservient to fishing, where expenditure of a capital nature is involved;

(*c*) School:

(i) The purchase, erection, extension or alteration of buildings for preparatory, intermediate or secondary schools (not being schools in respect of which Local Loans may be made);

(ii) The equipment of such schools as aforesaid (including the establishment and equipment of school libraries therefor).

Digitized by Google

A.D. 1926.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
29 & 30 Vict., c. 39.	The Exchequer and Audit Departments Act, 1866.	Any unrepealed enactments applicable to Irish services in Northern Ireland.
38 & 39 Vict., c. 82.	The National School Teachers Residences (Ireland) Act, 1875.	The proviso to section two; in section four, the words "not exceeding the amount of such loan."
12 & 13 Geo. 5, c. 3.	The Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922.	Paragraphs (*a*) and (*c*) of sub-section (1) of section one; sub-sections (1) and (2) of section four.
13 Geo. 5, c. 4.	The Exchequer and Financial Provisions Act (Northern Ireland), 1923.	Sub-section (1) of section five.
13 & 14 Geo. 5, c. 21.	The Education Act (Northern Ireland), 1923.	Sub-section (3) of section seventy-four.
13 & 14 Geo. 5, c. 26.	The Finance Act (Northern Ireland), 1923.	Sub-section (2) of section ten.
14 & 15 Geo. 5, c. 13.	The Exchequer and Financial Provisions Act (Northern Ireland), 1924.	Sub-section (1) of section five.
14 & 15 Geo. 5, c. 19.	The Finance Act (Northern Ireland), 1924.	Section ten.
15 & 16 Geo. 5, c. 17.	The Government Loans and Exchequer Provisions Act (Northern Ireland), 1925.	Paragraphs 1, 2, and 3, of the Schedule.
15 & 16 Geo. 5, c. 24.	The Drainage Act (Northern Ireland), 1925.	Section twenty-three.
16 Geo. 5, c. 4.	The Administrative Provisions Act (Northern Ireland), 1926.	Sub-sections (1) and (2) of section two.

CHAPTER 28.

An Act to provide for the better marketing of eggs, and for that purpose to amend and extend certain provisions of the Marketing of Eggs Act (Northern Ireland), 1924.

[30th November, 1926.]

Digitized by Google

A.D. 1926.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Power of Ministry of Agriculture to refuse to grant licences to wholesale dealers in eggs in certain cases. 14 & 15 Geo. 5 c. 15.

1.—(1) The Ministry of Agriculture (in this Act referred to as "the Ministry") may, if it thinks fit, refuse to grant a licence under section one of the Marketing of Eggs Act (Northern Ireland), 1924 (in this Act referred to as "the principal Act")—

(*a*) to a person who fails to satisfy the Ministry that he has provided premises and equipment which appear to the Ministry to be suitable for the conduct of his business as a wholesale dealer in eggs; or

(*b*) to a person who was formerly a licensed wholesale dealer, but whose licence as such dealer has been revoked.

(2) In this Act the expression "licensed wholesale dealer" means a person licensed under section one of the principal Act to carry on business in Northern Ireland as a wholesale dealer in eggs.

Evidence of authority to purchase on behalf of licensed wholesale dealers.

2.—(1) No person shall be deemed to be authorised by a licensed wholesale dealer to make purchases of eggs on behalf of such dealer unless he produces a certified copy of the licence granted to such dealer under section one of the principal Act, such certified copy having been endorsed by the licensed wholesale dealer in such manner as may be prescribed by the Ministry:

Provided that this section shall not apply to a full-time employee of a licensed wholesale dealer when purchasing eggs on behalf of that dealer at a market in which that dealer occupies premises for the purpose of his business in respect of eggs.

(2) Every licensed wholesale dealer shall notify to the Ministry the name and address of each person to whom a certified copy of a licence, endorsed as aforesaid, has been issued by him for the purposes of this section, and, if he fails to do so within such time as may be prescribed by the Ministry, shall be guilty of an offence against the principal Act.

Digitized by Google

A.D. 1926.

Returns with respect to dealings in preserved eggs.

3. Sub-section (1) of section three of the principal Act (which requires that every person dealing in preserved, cold-stored or pickled eggs, whether by wholesale or retail, whether as importer, consignor, consignee or commission agent, or otherwise, shall conform to certain regulations) shall have effect as if the following regulation were added thereto :—

"(*e*) Such person shall keep such records, and furnish to the Ministry such returns with respect to the delivery, despatch and ownership of such eggs, as the Ministry may prescribe."

If any person to whom the said regulation applies wilfully makes default in conforming thereto he shall be guilty of an offence against the principal Act.

Extension of power to make rules.

4. The Ministry may, by rules made under the principal Act, provide that persons purchasing eggs for resale by retail shall comply with conditions which are the same as, or similar to, the conditions from time to time prescribed in relation to licensed wholesale dealers.

Provisions as to penalties and offences.

5.—(1) Section eight of the principal Act shall have effect as if the following sub-section were substituted for sub-section (3) thereof :—

"(3) Any person who is found guilty of an offence against this Act shall be liable, on conviction, for the first offence to a fine of one pound or any greater sum not exceeding twenty pounds, and for the second offence to a fine of three pounds or any greater sum not exceeding fifty pounds, and for the third or any subsequent offence to a fine of five pounds or any greater sum not exceeding one hundred pounds."

(2) Any person who fails to comply with the provisions of any rules made by the Ministry under the principal Act, or under that Act as amended by this Act, shall be guilty of an offence against the principal Act.

Provisions as to sale, &c., of unclean or stale eggs.

6.—(1) Any person who sells or offers or exposes for sale, or, for the purpose of sale, has in his possession or deposits in any place any eggs, the shells of which are unclean or stained, or any eggs which are stale, shall be guilty of an offence against the principal Act.

Digitized by Google

A.D. 1926.

For the purposes of this section an egg (other than a cold-stored egg) shall be deemed to be stale if the air space therein exceeds one quarter of an inch in depth when the egg is held in a vertical position with the thicker end uppermost.

(2) It shall be lawful for a local authority authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907, to enforce the provisions of this section and to institute a prosecution for any offence against this section; and any expenses incurred by a local authority or officer of a local authority under this section shall be defrayed in the same manner as expenses incurred by the authority in executing the provisions of the said Acts.

(3) Any duly authorised officer of the Ministry, and any officer of a local authority authorised in that behalf by the local authority, shall, on production (if so required) of his authorisation, have power at any time during the hours when the premises are open for business to enter any premises on which he has reason to believe that eggs are kept for sale, and to take samples of such eggs.

(4) Any person who obstructs or impedes an officer of a local authority authorised as aforesaid in the execution of the powers conferred on him by this section shall be guilty of an offence against the principal Act.

(5) In this section the expression "officer of a local authority" means an officer, inspector or constable acting under the direction of a local authority which has power to institute a prosecution under this section.

Purchase of eggs by weight when bought by traders.

7.—(1) The purchase of hen eggs by or on behalf of persons who carry on the business of selling eggs shall, if the eggs are purchased for resale, be made by weight only and in terms of, and by reference to, imperial standard pounds and ounces:

Provided that the purchase, in quantities of not less than three hundred and sixty, of eggs graded in accordance with the rules for the time being prescribed by the Ministry shall be deemed to comply with the requirements of this section.

(2) A person who acts in contravention of the provisions of this section shall be guilty of an offence against the principal Act.

Digitized by Google

A.D. 1926.

Inspection of egg cases in transit.

8.—(1) An officer of the Ministry, duly authorised by the Ministry in that behalf either generally or in respect of a particular occasion, shall have power to enter at all reasonable times—

(*a*) the premises of any person engaged in the business of carrying goods for reward;

(*b*) any pier, quay, wharf, jetty, dock or dock premises; and

(*c*) any ship, boat, railway waggon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods;

and to open, for the purpose of examination, cases of eggs marked in accordance with the rules for the time being prescribed by the Ministry, and cases which he has reason to believe ought to be so marked, which may be found in or upon any premises, vessel or vehicle which he is entitled to enter under this section.

(2) Where any case of eggs is examined by an officer under this section, the case shall be marked by the officer to that effect; and such mark shall be deemed to be a sufficient notification to the consignee that the case has been so examined, and the Ministry shall notify the consignor of the examination.

Short title, construction, citation and commencement of Act.

9.—(1) This Act may be cited as the Marketing of Eggs Act (Northern Ireland), 1926, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Marketing of Eggs Acts (Northern Ireland), 1924 and 1926.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-seven.

CHAPTER 29.

An Act to regulate the exhibition and training of performing animals; to provide for the further protection of birds; and to amend the Protection of Animals Act, 1911. [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Digitized by Google

A.D. 1926.

PART I.

RESTRICTIONS IN RELATION TO PERFORMING ANIMALS.

Restriction on exhibition and training of performing animals

1.—(1) No person shall, after the commencement of this Part of this Act, exhibit or train any performing animal unless that person is registered in accordance with this Part of this Act.

(2) The police authority shall keep a register for the purpose of this Part of this Act, and any person who exhibits or trains performing animals shall (unless he is a person, who, in pursuance of an order of the court made under this Part of this Act, is prohibited from being so registered) be registered under this Part of this Act, on making an application to the police authority in the prescribed form, and on payment of the prescribed fee.

(3) Any application for registration under this Part of this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited, or for which they are to be trained, as may be prescribed, and the particulars so given shall be entered in the register.

(4) The police authority shall give to every person whose name appears on the register kept by that authority a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Part of this Act shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall on payment of the prescribed fee be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Part of this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by the police authority shall be transmitted by that authority to the Ministry of Home Affairs and shall be available for inspection at all reasonable times, subject to payment of the prescribed fee.

Digitized by Google

A.D. 1926

Power of courts to prohibit or restrict exhibition and training of performing animals.

2.—(1) Where it is proved to the satisfaction of a court of summary jurisdiction on a complaint made by a police officer or constable or authorised person that the training or exhibition of any performing animal has been accompanied by cruelty, and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions thereon as may be specified by the order.

(2) An order made by a court of summary jurisdiction under this section shall not come into force until three days after it is made, or, if an appeal has been entered within that period, until the determination of the appeal.

(3) Any court by which an order is made under this section against any person shall cause a copy of the order to be sent, as soon as may be after the order comes into force, to the police authority and to the Ministry of Home Affairs, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement. The police authority shall enter the particulars of the order on the register.

Power to enter premises.

3.—(1) Any police officer or constable or authorised person may—

(*a*) enter at all reasonable times and inspect any premises in which he has cause to believe that any performing animals are being trained or exhibited, or kept for training or exhibition, and inspect any such animals found therein;

(*b*) require any person whom he has reason to believe to be a trainer or exhibitor of performing animals to produce his certificate of registration.

(2) No police officer or constable or authorised person shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

Digitized by Google

A.D. 1926.

Offences against Part I. of Act, &c.

4.—(1) If any person—

(*a*) not being registered under this Part of this Act exhibits or trains any performing animal; or

(*b*) being registered under this Part of this Act exhibits or trains any performing animal with respect to which, or in a manner with respect to which, he is not registered; or

(*c*) being a person against whom an order by a court of summary jurisdiction has been made on complaint under this Part of this Act, contravenes or fails to comply with the order in any part of Northern Ireland, whether within or without the area of jurisdiction of that court; or

(*d*) obstructs or wilfully delays any police officer or constable or authorised person in the execution of his powers under this Part of this Act as to entry or inspection; or

(*e*) conceals any animal with a view to avoiding such inspection; or

(*f*) being a person registered under this Part of this Act, on being duly required to produce his certificate of registration fails without reasonable excuse so to do; or

(*g*) applies to be registered under this Part of this Act when prohibited from being so registered;

he shall be guilty of an offence against this Part of this Act and shall be liable on conviction, upon a complaint made by a police officer or constable or authorised person, to a fine not exceeding fifty pounds.

(2) Where a person is convicted of an offence against this Part of this Act, or against the Protection of Animals Act, 1911, as amended by any subsequent enactment, the court before which he is convicted may in addition to or in lieu of imposing any other penalty—

1 & 2 Geo. 5. c. 27.

(*a*) if such person is registered under this Part of this Act, order that his name be removed from the register;

Digitized by Google

A.D. 1926.

(*b*) order that such person shall, either permanently or for such time as may be specified in the order, be disqualified for being registered under this Part of this Act;

and where such an order is made, the provisions of subsections (2) and (3) of section two of this Act, and the provisions of Part IV. thereof with respect to appeals, shall apply to the order as they apply to an order made against any person under the said section two.

Interpretation, rules and fees.

5.—(1) For the purposes of this Part of this Act—

The expression "animal" does not include invertebrates:

The expression "exhibit" means exhibit at any entertainment to which the public are admitted, whether on payment of money or otherwise, and the expression "train" means train for the purpose of any such exhibition, and the expression "exhibitor" and "trainer" have respectively the corresponding meanings:

The expression "police authority" means the Inspector-General of the Royal Ulster Constabulary:

The expression "authorised person" means a person authorised by the Ministry of Home Affairs in writing for the purposes of this Part of this Act:

The expression "prescribed" means prescribed by rules made by the Ministry of Home Affairs.

(2) The Ministry of Home Affairs may make rules for prescribing anything which is to be prescribed under this Part of this Act, and as to the execution and performance by the police authority, police officers and constables and authorised persons of their powers and duties thereunder, and, generally, for carrying this Part of this Act into effect.

(3) The fee for registration shall be prescribed with the approval of the Ministry of Finance and shall in no case exceed one guinea; provided that a fee at a reduced rate may be prescribed for payment by persons registered under the Performing Animals (Regulation) Act, 1925, passed by the Parliament of the United Kingdom.

15 & 16 Geo. 5, c. 38.

Digitized by Google

(4) All sums received by the police authority in respect of fees under this Part of this Act shall be appropriated in aid of the moneys provided by Parliament for defraying the salaries and expenses of the Royal Ulster Constabulary.

Exceptions from application of Part I. of Act.

6. This Part of this Act shall not apply to the training of animals for bonâ fide military, police, agricultural or sporting purposes, or the exhibition of any animals so trained.

PART II.

PROVISIONS FOR THE FURTHER PROTECTION OF BIRDS.

Illegal method of taking birds.

7.—(1) If any person uses as a decoy any live bird which is tethered or is confined in a cage or is secured by means of braces or other similar appliances or which is blind, maimed, or injured, or uses bird-lime or any substance of a like nature for the purpose of taking or capturing alive or attempting to take or capture alive any wild bird, he shall be guilty of an offence against this Part of this Act.

(2) Where any person is convicted of any offence under this section, the court may, in addition to any penalty that may be imposed, order any live decoy bird used by such person for the purpose of taking or attempting to take any wild bird to be forfeited and disposed of as the court may direct.

Illegal confinement of birds.

8.—(1) If any person keeps or confines a bird in any cage or other receptacle which does not measure sufficient in height, length and breadth to permit such bird freely to stretch its wings, he shall be guilty of an offence against this Part of this Act.

1 & 2 Geo. 5, c. 11.

(2) This section shall not apply to poultry within the meaning of the Poultry Act, 1911, or to any bird kept or confined in a cage or other receptacle which does not comply with the conditions mentioned in the last preceding sub-section—

(*a*) whilst being conveyed by land or water; or

(*b*) whilst being shown for the purpose of public exhibition or competition, if the time during which it is so kept or confined does not in the whole exceed seventy-two hours.

Digitized by Google

A.D. 1926.

Prohibition of shooting of captive birds.

9. If any person promotes, arranges, conducts, assists in, receives money for, or takes part in, any meeting, competition, exhibition, pastime, practice, display, or other event whatever, at or in the course of which captive birds are liberated by hand or by trap, contrivance, or other means for the purpose of being shot at the time of their liberation, or, being the owner or occupier or person in charge of any premises, permits his premises or property, or any part thereof, to be used for any such purpose, he shall be guilty of an offence against this Part of this Act.

Offences against Part II. of Act.

10. If any person is guilty of an offence against this Part of this Act, he shall be liable on conviction to a fine not exceeding twenty-five pounds, or, alternatively or in addition thereto, to be imprisoned with or without hard labour for any term not exceeding three months.

PART III.

AMENDMENT OF PROTECTION OF ANIMALS ACT, 1911

Amendment of s. 1. of 1 & 2 Geo. 5, c. 27.

11. Paragraph (*b*) of sub-section (3) of section one of the Protection of Animals Act, 1911, shall be amended by the addition thereto of the following words:—

"and a captive animal shall not be deemed to be "coursed or hunted within the meaning of this "sub-section if it is coursed or hunted in an "enclosed space from which it has no reasonable "chance of escape."

PART IV.

SUPPLEMENTAL.

Provisions as to prosecutions, fines and appeals.

12.—(1) All offences against this Act shall be prosecuted, and all fines thereunder shall be recovered, in manner provided by the Summary Jurisdiction (Ireland) Acts; and a person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in manner provided by the said Summary Jurisdiction Acts.

(2) A court of quarter sessions shall, on an appeal under this Act, have power to make any order which a court of summary jurisdiction could have made under this Act, and to confirm, quash or vary an order which has been appealed against:

Digitized by Google

A.D. 1926

Provided that no appeal shall lie against an order made under Part II. of this Act for the disposal by destruction of a live decoy bird.

Commencement of Act and saving.

13.—(1) Part I. of this Act shall come into operation on the first day of January, nineteen hundred and twenty-seven, but save as aforesaid this Act shall come into operation on the passing thereof.

(2) The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other enactment imposing penalties for offences of cruelty.

Short title.

14. This Act may be cited as the Protection of Animals (Miscellaneous Provisions) Act (Northern Ireland), 1926.

CHAPTER 30.

An Act to make further provision for the licensing of stallions in Northern Ireland, and for purposes connected therewith. [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Licences and permits for ownership or keeping of stallions.

1. Any person who, after the appointed day, owns, keeps or has control of a stallion of three years old and upwards calculated from the first day of January in the year of its birth shall be liable on conviction to a fine of two pounds, unless the stallion is licensed, or a permit has been granted in respect thereof, under the provisions of this Act; and any person who has been convicted of owning, keeping or having control of a stallion contrary to the provisions of this Act, shall, if after the expiration of seven days following such conviction he owns, keeps or has control of such stallion contrary to the provisions of this Act, be liable on conviction to a fine of five pounds; and if, after such second conviction, he con-

Digitized by Google

A.D. 1926.

tinues to own, keep or have control of such stallion contrary to the provisions of this Act, he shall be guilty of a continuing offence and be liable on conviction to a further penalty of forty shillings for each week or part of a week during which he is guilty of the continuing offence.

Power of Ministry of Agriculture to grant, revoke and suspend licences.

2.—(1) Subject to the provisions of this Act, the Ministry of Agriculture shall have power to grant, revoke and suspend licences for the purposes of this Act.

(2) The Ministry of Agriculture shall, on application being made in the prescribed manner, at the prescribed time, on compliance with the prescribed conditions as to inspection and examination, and on payment of the prescribed fee, grant to the owner of any stallion a licence in the prescribed form in respect of the stallion and also, if so requested, a certified copy of the licence :

Provided that the Ministry of Agriculture may refuse to grant a licence, and may revoke or suspend a licence, in respect of a stallion if it appears to that Ministry that the stallion—

(*a*) is affected with any contagious or infectious disease ; or

(*b*) is affected with any other disease or defect prescribed as a disease or defect rendering the stallion unsuitable for service of mares ; or

(*c*) has proved to be inadequately prolific ; or

(*d*) is calculated, if used for stud purposes, to injure the breed of horses by reason of its defective conformation or physique ; or

(*e*) begets unsuitable stock ;

but nothing in this Act shall enable the Ministry of Agriculture to refuse to grant or to revoke or suspend a licence in respect of any stallion where the Ministry is satisfied that such stallion is being and will be used for the service only of mares the property of the owner of the stallion, in which case the licence fee shall be five shillings.

(3) The prescribed fee for the grant of a licence shall, except as provided in the foregoing paragraph, not exceed one guinea :

Digitized by Google

A.D. 1926.

Provided that, if the Ministry of Agriculture thinks fit in any particular case to take into consideration an application for a licence notwithstanding that—

(*a*) application for the licence has not been made at the prescribed time; or

(*b*) the stallion to which the application relates has not been brought for inspection to the place and at the time directed by the said Ministry;

the said Ministry shall have power to require, as a condition for taking the application into consideration, the payment of an additional fee (not exceeding five pounds), and compliance with such directions in relation to the inspection of the stallion as the said Ministry may give.

(4) If the Ministry of Agriculture refuses to grant a licence, the prescribed fee paid by the applicant (other than any additional fee paid under the proviso to subsection (3) of this section) shall be returned to him.

Duration, transfer and production of licences.

3.—(1) A licence, unless suspended or revoked by the Ministry of Agriculture, shall remain in force until the thirty-first day of December of the year in respect of which the licence is granted, but shall be renewable annually, and the same provisions shall apply to the renewal of a licence as apply to the grant of a licence:

Provided that in the case of a stallion which has attained such age as may be prescribed, and in respect of which a licence has been in force for such number of years as may be prescribed, the renewal of the licence shall not be refused on the ground only of the stallion being affected in its wind.

(2) If a stallion in respect of which a licence is in force is sold or let for a period exceeding six months, or if the ownership of the stallion is otherwise changed, the licence shall, on application to the Ministry of Agriculture, be transferred to the new owner by endorsement of the licence or otherwise, but unless so transferred a licence shall cease to be in force at the expiration of one month after the change of ownership.

(3) A licence granted under this Act or certified copy thereof shall be produced—

(*a*) at the time of or before the service by the stallion of a mare, if so required by the owner or person in charge of the mare; and

Digitized by Google

A.D. 1926.

(*b*) at any time, if so required by any officer of the Ministry of Agriculture, police officer or constable or authorised person;

and if the person for the time being in charge, or having control, of the stallion fails to produce the licence or certified copy when so required he, and also the owner of the stallion if the failure is due to his default, shall be liable on conviction to a fine not exceeding five pounds.

Appeals.

4.—(1) If the Ministry of Agriculture refuses to grant a licence under this Act in respect of any stallion, or revokes or suspends any such licence, the owner of the stallion shall be entitled on application made within the prescribed time, in the prescribed manner, and on payment of the prescribed fee (not exceeding five guineas), to have the stallion inspected and examined by such member or members of the panel of referees constituted under this section as may be selected by the Ministry of Agriculture. The said member or members shall report to the Ministry of Agriculture the result of the inspection and examination, and the said Ministry, after consideration of the report, shall confirm or vary the decision to which the application relates, and such confirmation or variation shall be final:

Provided that—

(i) no member of the panel who may previously have been employed, either by the Ministry of Agriculture or by the applicant, for the purpose of the inspection or examination of the stallion shall be selected, and

(ii) the Ministry of Agriculture may, if it thinks fit, refuse to have the same stallion inspected and examined under this section on more than one occasion in the same year.

(2) For the purposes of inspections and examinations under this section there shall be constituted a panel of referees consisting of such registered veterinary surgeons and other persons as may be appointed by the Governor of Northern Ireland.

(3) The fee payable on an application under this section shall, if the Ministry of Agriculture does not confirm the decision to which the application relates, be returned to the applicant by the said Ministry.

Digitized by Google

A.D. 1926.

(4) The charges of a referee in respect of an application shall be such as may be fixed by the Ministry of Agriculture and shall be paid by the said Ministry.

Permits for stallions kept for certain purposes.

5.—(1) The Ministry of Agriculture may, if it thinks fit, on payment of such fee (not exceeding two shillings and sixpence), and on compliance with such conditions, as may be prescribed, grant to the owner of an unlicensed stallion coming within any prescribed category a permit authorising the keeping of the stallion for such period and subject to such conditions as may be specified in the permit; but no such permit shall be transferable from one person to another except with the written approval of the Ministry of Agriculture.

(2) The Ministry of Agriculture may, for any reason which it may deem to be sufficient, revoke or suspend a permit granted under this section.

(3) A permit granted under this section shall be produced at any time, if so required by any officer of the Ministry of Agriculture, police officer or constable, or authorised person, and if the person for the time being in charge, or having control, of the stallion to which any such permit relates fails to produce the permit when so required, or within three days, he, and also the owner of the stallion if the failure is due to his default, shall be liable on conviction to a fine not exceeding five pounds.

Duties of owners of stallions.

6. The owner of a stallion of the age specified in section one of this Act shall—

(*a*) give notice forthwith to the Ministry of Agriculture in the prescribed manner and at the prescribed time of any sale or letting or other change in the ownership of the stallion or of its castration or death; and

(*b*) submit the stallion to inspection and examination by any officer of the Ministry of Agriculture or authorised person, if and when required by the said Ministry; and

(*c*) where a licence or a permit has been in force, return the licence and the certified copy (if any) or the permit to the said Ministry forthwith on the expiration, revocation or suspension of the licence or permit;

Digitized by Google

A.D. 1926.

and if he fails to comply with any of the requirements of this section he shall be liable on conviction to a fine not exceeding five pounds.

Inspection of stallions.

7. Any officer of the Ministry of Agriculture, police officer or constable, or authorised person, shall have power to inspect and examine any stallion, or other animal, but in the case of a police officer or constable so far only as is necessary for the purpose of inquiring, reporting and giving evidence as to contraventions of this Act, and shall for the purposes of this Act have power to enter at all reasonable times any premises where he has reason to believe that any stallion is kept, and if any person refuses to allow any such officer, constable or authorised person (who, if so required, produces his authority) to enter any premises which he is entitled to enter under this section, or obstructs or impedes such officer, constable or authorised person in the exercise of his powers under this section, the person so refusing, obstructing or impeding shall be liable on conviction to a fine not exceeding twenty pounds.

Penalty for false information and fraudulent use of licence, &c.

8. If any person—

(*a*) in connection with an application for the grant, renewal or transfer of a licence or permit under this Act makes any statement, or furnishes any information, which to his knowledge is in any material respect false or misleading; or

(*b*) forges or fraudulently alters or uses, or permits to be fraudulently altered or used, any licence, permit or certified copy of a licence issued under this Act;

he shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

Burden of proof.

9. In any proceedings under this Act for owning, keeping or having control of a stallion without a licence or permit, the burden of proof that a licence or permit in respect of the stallion was in force, and (where the age of the stallion is in question) the burden of proof of the age of the stallion, shall lie on the person charged; and until the contrary is proved it shall be assumed that neither a licence nor a permit was in force on the day on which

Digitized by Google

A.D. 1926.

the offence was alleged to have been committed, and (if the age is in question) that on that day the stallion was a stallion of the age specified in section one of this Act.

Power to make rules.

10. The Ministry of Agriculture may make rules (subject in respect of fees to the approval of the Ministry of Finance) for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into effect.

Prosecutions and fines.

11.—(1) All offences against this Act shall be prosecuted, and all fines thereunder shall be recovered, in manner provided by the Summary Jurisdiction (Ireland) Acts; and a person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in manner provided by the said Summary Jurisdiction Acts as extended by sub-section (11) of section forty-three of the Criminal Justice Administration Act, 1914.

4 & 5 Geo. 5, c. 58.

(2) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Ministry of Agriculture.

(3) All fines recoverable under this Act by the Ministry of Agriculture or by any authorised officer of the said Ministry shall, notwithstanding anything in any enactment, be paid to the said Ministry, and the amount so recovered and all other sums received under this Act by the Ministry of Agriculture shall be paid to the Exchequer of Northern Ireland, except so far as they may be appropriated in aid of the moneys provided by Parliament for defraying the expenses of carrying this Act into effect.

Interpretation.

12. In this Act, unless the context otherwise requires—

The expression "owner" in relation to a stallion means the person to whom, for the time being, the stallion belongs whether absolutely or as a lessee or hirer, and the expressions "owns" and "ownership" shall be construed accordingly:

The expression "certified" means certified in the prescribed manner:

Digitized by Google

A.D. 1926.

The expression "prescribed" means prescribed by rules made under this Act:

The expression "authorised" means authorised in writing by the Ministry of Agriculture.

Commencement of Act and repeal of 8 & 9 Geo. 5. c. 13.

13.—(1) This Act shall come into operation on the appointed day, and the appointed day for the purposes of this Act shall be the first day of January, nineteen hundred and twenty-seven:

Provided that the Ministry of Agriculture may determine a day earlier than the said first day of January nineteen hundred and twenty-seven as the appointed day for the purposes of the provisions of this Act enabling applications for licences or permits to be made to, or rules to be made by, the Ministry of Agriculture and authorising the inspection and examination of stallions, the entry of premises and the granting of licences and permits.

(2) The Horse Breeding Act, 1918, shall, as from the appointed day, be repealed as respects Northern Ireland.

Short title.

14. This Act may be cited as the Horse Breeding Act (Northern Ireland), 1926.

CHAPTER 31.

An Act to make further provision with respect to the use of mechanically propelled vehicles on public highways, and with respect to the licensing and regulation of certain classes of such vehicles and their drivers and conductors, and for purposes related or incidental to the matters aforesaid. [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Digitized by Google

A.D. 1926.

PART I.

AMENDMENTS OF EXISTING LAW AS TO USE OF VEHICLES ON PUBLIC HIGHWAYS.

Reckless, wanton or dangerous driving.

1.—(1) If any person drives a motor car on a public highway recklessly or wantonly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, that person shall be liable on summary conviction to a fine of one pound or any greater sum not exceeding ten pounds, or in the case of a second conviction to a fine of two pounds or any greater sum not exceeding twenty pounds, or, in the case of a third or subsequent conviction to a fine of five pounds, or any greater sum not exceeding fifty pounds, or, in the discretion of the Court, to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

(2) Any police constable may apprehend without warrant the driver of any car who commits an offence under this section within his view, if such driver refuses to give his name and address or produce his licence on demand, or if the motor car does not bear the identification mark or sign required in pursuance of the Roads Act, 1920.

10 & 11 Geo. 5, c. 72.

(3) If the driver of any motor car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Act, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this Act.

Penalty for drunkenness while in charge of a motor car.

2.—(1) If any person is drunk while in charge on any highway or other public place of a motor car, he shall be liable on summary conviction to a fine of five pounds or any greater sum not exceeding fifty pounds; or in the case of a second or subsequent conviction to a fine of ten pounds or any greater sum not exceeding one hundred pounds, or in the discretion of the court to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Digitized by Google

A.D. 1926

(2) Any police constable may apprehend without warrant the person in charge of any car who commits an offence under this section within his view, if such person refuses to give his name and address or produce his licence on demand, or if the motor car does not bear the identification mark or sign required in pursuance of the Roads Act, 1920.

(3) If the person in charge of any motor car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Act, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the person by whom the offence has been committed, and if the owner fails to do so he also shall be guilty of an offence under this Act.

Licensing and physical fitness of drivers.

3.—(1) A person shall not drive a motor car on a public highway unless he is licensed for the purpose under this section, and a person shall not employ any person who is not so licensed to drive a motor car. If any person acts in contravention of this provision he shall be guilty of an offence under this Act.

If any person whose licence under this section is suspended, or who is disqualified for obtaining such licence or who has obtained such licence whilst disqualified for obtaining the same, drives a motor car on a public highway, he shall be liable on summary conviction to imprisonment for a period of not less than one and not more than six months.

A person who is the holder of a licence under section three of the Motor Car Act, 1903, shall, for such time as that licence continues in force under the provisions of this Act, be deemed to be the holder of a licence under this section; and references in this section to licences shall be construed accordingly.

3 Edw. 7., c. 36.

In this sub-section the expression 'disqualified' means disqualified, upon conviction for an offence, by the declaration of a court under the provisions of this Part of this Act.

(2) The council of a county or county borough shall grant a licence to drive a motor car to any person applying

Digitized by Google

A.D. 1926.

for it who resides in that county or county borough, on payment of a fee of five shillings, provided that the applicant—

(*a*) makes and transmits to the council with his application for the licence a declaration (in such form and containing such particulars as the Ministry of Home Affairs may prescribe) as to his physical fitness to drive a motor car; and

(*b*) is not disqualified under the provisions of this Act.

(3) Subject to the provisions of this Act, a licence shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable, and the same provisions shall apply with respect to the renewal of the licence as apply with respect to the grant of the licence.

(4) A licence must be produced by any person driving a motor car when demanded by a police officer or constable. If any person fails so to produce his licence he shall be liable, on summary conviction, in respect of each offence to a fine not exceeding five pounds.

(5) Any person under the age of seventeen years shall be disqualified for obtaining a licence (except that a licence limited to driving motor cycles may be granted to a person over the age of fifteen years), and any person who already holds a licence shall be disqualified for obtaining another licence while the licence so held by him is in force:

Provided that this sub-section, in its application to the driver of a motor car which is within any of the descriptions set forth in paragraph 5 of the Second Schedule to the Finance Act, 1920, and which exceeds two and a half tons in weight unladen, shall have effect as if the age of twenty-one years were substituted for the age of seventeen years.

10 & 11 Geo. 5, c. 18.

(6) Where a court of summary jurisdiction is satisfied, upon representation made to it by a police officer or constable in such manner, and after such notice to the licence holder, as may be prescribed, that a person, being resident in the petty sessions district for which such court acts, who holds a licence under this section is,

Digitized by Google

A.D. 1926.

owing to physical disability, unfit to drive a motor car, the court shall have the same powers of suspending the licence and declaring the person to be disqualified for holding or obtaining a licence, and (on being satisfied that the disability has ceased) of removing the suspension or disqualification, as it would have if that person had been convicted before it of an offence under this Act.

(7) The Ministry of Home Affairs may make regulations with respect to the licences to be granted under this section, and in particular—

(*a*) with respect to the register to be kept of those licences and the renewal of licences;

(*b*) for prescribing the form of those licences and the particulars required to be furnished by applicants for the grant or renewal thereof;

(*c*) for the communication of particulars of licences to adjoining and other county or county borough councils;

(*d*) for making any particulars with respect to persons whose licences are suspended or endorsed available for use by the police and for preventing a person holding more than one licence; and

(*e*) for providing special facilities for granting licences to persons not resident in Northern Ireland.

(8) The council of a county or county borough may charge in respect of the issue of a new licence in place of a licence lost or defaced such fee, not exceeding one shilling, as the Ministry of Home Affairs may prescribe.

(9) This section shall come into operation on the appointed day, and as from that day section three of the Motor Car Act, 1903, shall cease to have effect.

Suspension and endorsement of licence, and disqualification.

4.—(1) Without prejudice to the infliction of any other penalty, any court before whom a person is convicted of any offence under this Act, or of any offence in connection with the driving of a motor car punishable (whether on indictment or summarily) otherwise than under this Act—

(*a*) may, if the person convicted holds a licence under this Part of this Act, suspend that

Digitized by Google

licence for such time as the court thinks fit, and also declare the person convicted to be disqualified for obtaining such licence for such further time after the expiration of the licence as the court thinks fit;

(*b*) may, if the person convicted does not hold any such licence, declare him disqualified for obtaining such licence for such time as the court thinks fit; and

(*c*) if the person convicted holds such licence may, if the court thinks fit, cause particulars of the conviction and of any resulting disqualification to be endorsed upon any such licence held by him, and shall where any licence is so endorsed under this section cause a copy of those particulars to be sent to the council by whom any licence so endorsed has been granted, and to the Ministry of Home Affairs:

Provided that—

(i) in the case of a second or subsequent conviction for an offence under sub-section (1) of section one of this Act, and in the case of a third or subsequent conviction for exceeding a speed limit fixed by regulations under this Act or by or under any local enactment, the court shall (without prejudice to its power to order a longer period of suspension) suspend for a period of not less than three months the licence under this Part of this Act, if any, held by the person convicted;

(ii) in the case of a conviction for an offence under sub-section (1) of section two of this Act the court shall (without prejudice to its power to order a longer period of suspension) suspend for a period of not less than twelve months the licence under this Part of this Act, if any, held by the person convicted;

(iii) in the case of a conviction for an offence hereinbefore mentioned in this proviso,

Digitized by Google

A.D. 1926.

the court shall cause particulars of the conviction and of any resulting disqualification to be endorsed upon the licence under this Part of this Act, if any, held by the person convicted.

(2) Every person, being the holder of a licence under this Part of this Act, who is charged with any offence to which this section applies shall, if and when required, produce the licence to the court, and, if he fails to do so, shall be guilty of an offence under this Act.

(3) Where a person who is the holder of a licence which has been endorsed under the Motor Car Act, 1903, or under this section has not, during a continuous period of not less than three years from the date of the last endorsement, had any conviction so endorsed on the licence, he shall be entitled, either on applying for a renewal of the licence or, subject to the payment of a fee of five shillings, at any time, to have issued to him a new licence free from endorsements.

(4) A licence suspended by the court under this Part of this Act or under the Motor Car Act, 1903, shall, during the period of suspension, be of no effect, and a person whose licence is suspended or who is under this section, or who has been under the Motor Car Act, 1903, declared by the court to be disqualified for obtaining a licence shall, during the period of suspension or disqualification, be disqualified for obtaining a licence :

Provided that, in the case of an appeal under the provisions of Part III. of this Act, the court may, if it thinks fit, defer the operation of an order for suspension or disqualification pending the appeal.

(5) If any person who under the provisions of this section is disqualified for obtaining a licence under this Part of this Act applies for or obtains such licence while he is so disqualified, or if any person whose licence under this Part of this Act has been endorsed applies for or obtains such licence without giving particulars of the endorsement, that person shall be guilty of an offence under this Act, and any licence so obtained shall be of no effect.

(6) A person who is disqualified under this section for obtaining a licence under this Part of this Act or

Digitized by Google

A.D. 1926.

whose licence thereunder is suspended may, at any time after the expiration of three months from the date of the conviction which resulted in such disqualification, apply from time to time, at intervals of not less than three months, to the court before which he was convicted, to remove the disqualification or suspension; and on any such application the court may, by order, as it thinks proper, having regard to the character of the person convicted and his conduct subsequent to conviction, the nature of the offence, and the other circumstances of the case, either remove the disqualification or suspension as from such date as may be specified in the order, or refuse the application. If the court order a disqualification or suspension to be removed, the court shall cause particulars of such order to be endorsed on the licence, if any, held by the applicant under this Part of this Act and shall notify the Ministry of Home Affairs as to such order.

An application under this sub-section shall not be entertained except after notice, setting forth the grounds of the application, has been given, in such manner as may be prescribed, to the district inspector of the Royal Ulster Constabulary appointed for the district for which the convicting court acts.

In cases where a conviction has been upheld on appeal, this sub-section shall apply as if for references to the conviction and the convicting court there were substituted references to the decision given on the appeal and to the court by whom that decision was given.

(7) References in this section to licences under this Part of this Act shall be construed as including references to licences granted under section three of the Motor Car Act, 1903.

Duty to stop in case of accident.

5. A person driving a motor car shall, in any case, if an accident occurs to any person whether on foot, on horse-back or in a vehicle, or to any animal or vehicle in charge of any person, owing to the presence of the motor car on the road, stop and, if required, give his name and address, and also the name and address of the owner and the identification mark or number of the car, and if any person knowingly acts in contravention of this section he shall be guilty of an offence under this Act.

Digitized by Google

A.D. 1926.

Regulations as to speed and maximum weight of motor cars, and penalties for speed offences, &c.

6.—(1) The Ministry of Home Affairs shall have power—

(*a*) on the application of a local authority to make regulations, with a view to the safety of the public, prescribing a speed limit for observance within any limits or place in the area of such authority, and, without any such application, after considering any objections which may be raised by such authority, to revoke or alter any regulation made under this provision, or any local enactment or bye-law prescribing any such speed limit;

(*b*) to make regulations as to the speed of motor cars exceeding two and a half tons in weight unladen, and as to the speed on any road of agricultural tractors whether exceeding two and a half tons in weight unladen, or not; and

(*c*) by regulations to increase, as respects any class of vehicle mentioned in the regulations, the maximum weights of three and four tons mentioned in section one of the Locomotives on Highways Act, 1896, subject to any conditions as to the use and construction of the vehicle which may be made by the regulations.

59 & 60 Vict. c. 36.

(2) If any person drives a motor car at a speed exceeding the speed limit fixed by regulations under this section or fixed by or under any local enactment, he shall be liable on summary conviction to a fine of one pound or any greater sum not exceeding ten pounds, or in the case of a second conviction to a fine of two pounds or any greater sum not exceeding twenty pounds, or in the case of a third or subsequent conviction to a fine of five pounds or any greater sum not exceeding fifty pounds, or in the discretion of the court to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

(3) For the purposes of this section the weight unladen of any vehicle shall be determined in accordance with the provisions of sub-section (6) of section seven of the Roads Act, 1920.

(4) Sub-section (4) of section twelve of the Roads Act, 1920, shall have effect as if the reference therein to regulations included a reference to orders made under sub-section (4) of section seven of the said Act.

Digitized by Google

A.D. 1926.

Erection of notice boards.

7.—(1) Local authorities shall give public notice of any regulation of the Ministry of Home Affairs fixing a speed limit for motor cars within any limits or place in their area, and of any order made by the said Ministry under sub-section (4) of section seven of the Roads Act, 1920, and for the purpose of giving effect to any such regulation or order shall place notices in conspicuous places on or near the highway, part of a highway, limits or place to which the regulation or order refers.

(2) Subject to regulations of the Ministry of Home Affairs as to size and design, local authorities shall within their areas cause to be set up sign posts denoting dangerous corners, cross roads and other places, where such sign posts appear to them to be necessary.

Regulations as to carrying of lights by certain vehicles. 7 Edw. 7, c. 45.

8. The Ministry of Home Affairs may make regulations prescribing, for the purposes of the Lights on Vehicles Act, 1907, all or any of the following methods of lighting for use by vehicles to which that Act applies :—

(*a*) a lamp displaying a white light to the front, in addition to a lamp displaying a red light to the rear ;

(*b*) a lamp displaying a white light to the front in addition to a red reflecting disc at the rear so placed and of such type as may be specified in the regulations ;

(*c*) a single lamp so placed on the vehicle as to display a white light to the front and a red light to the rear.

The regulations may prescribe any one or more of the said methods of lighting as being applicable to a particular sort of vehicle ; and a person offending against the regulations shall be deemed to be a person offending against the provisions of the Lights on Vehicles Act, 1907.

Powers of county councils in connection with motor races. 12 & 13 Geo. 5, c. 11.

9.—(1) A county council shall have power, by order made under the Motor Vehicle Races Act (Northern Ireland), 1922, to suspend, during the whole or part of each race day to which the order applies, the right of way over any public roads in their county which it is proposed to use for the races authorised by the order.

(2) If, within any limits, and during any period, specified in an order made under the said Act, any person–

Digitized by Google

A.D. 1926.

(*a*) wilfully and unlawfully obstructs or interferes with the conduct of the races; or

(*b*) without due authority enters or remains on any public road;

he shall be liable on summary conviction to a fine not exceeding forty shillings, and he and any animal or vehicle under his charge may be removed by any constable or by any person duly authorised under the order to assist in conducting the races.

PART II.

LICENSING AND REGULATION OF PUBLIC SERVICE VEHICLES.

Definition of public service vehicle, and saving for existing enactments.

10.—(1) In this Act the expression "public service vehicle" means a mechanically propelled vehicle (other than a tramcar) used in standing or plying for hire, or used to carry passengers for hire, but does not include a vehicle occasionally let for private hire and being of such class as may be prescribed.

(2) The provisions of this Part of this Act shall, except as otherwise expressly provided by this Act, be in addition to and not in derogation of any other enactments applicable to mechanically propelled vehicles, or to any class of such vehicles.

Grant of licences for public service vehicles and penalties for use of unlicensed Vehicles.

11.—(1) The Ministry of Home Affairs may from time to time license to stand or ply for hire, and to carry passengers for hire, public service vehicles of such different classes, to be distinguished in such manner, as may be prescribed.

Any licence in respect of a public service vehicle under this section may be granted upon payment of such fee (not exceeding two pounds) and on such conditions, be in such form, be subject to revocation or suspension in such events, and generally be dealt with, in such manner as may be prescribed:

Provided that—

(*a*) a licence for a public service vehicle shall, if not revoked or suspended, be in force for one year;

Digitized by Google

(*b*) the fee to be paid in respect of such licences shall be uniform in respect of all public service vehicles of a particular class;

(*c*) no such licence shall be issued unless the applicant shows to the reasonable satisfaction of the Ministry of Home Affairs that he will be in a position to satisfy all lawful claims which may be made against him in respect of damage to persons or to property caused by the use upon public highways of any public service vehicle for which the licence is sought.

(2) If any unlicensed public service vehicle is used in standing or plying for hire or is used to carry passengers for hire, the owner of such vehicle shall be liable on summary conviction to a fine of one pound or any greater sum not exceeding ten pounds for every day during which such vehicle is so used. The driver and conductor also shall in every such case be liable on summary conviction to a like penalty: Provided that the driver or conductor shall not be liable to such penalty if he proves that he was ignorant of the fact that such vehicle was an unlicensed vehicle.

Any public service vehicle used in standing or plying for hire or used to carry passengers for hire without having such distinguishing mark or plate as may from time to time be prescribed shall be deemed to be an unlicensed public service vehicle.

(3) The person keeping any mechanically propelled vehicle shall not be entitled to have the excise licence duty in respect of that vehicle charged at the rate appropriate to a hackney carriage, unless a licence for the vehicle has been granted to him under this section.

Licensing of drivers and conductors.

12.—(1) No public service vehicle shall stand or ply for hire or carry passengers for hire unless the driver, in addition to a licence to drive a motor car, holds a licence granted by the Ministry of Home Affairs, or (where the vehicle is a vehicle of a class which is required by regulations to carry a conductor) the driver and conductor, respectively, hold such licences.

Digitized by Google

A.D. 1926.

If any public service vehicle stands or plies for hire or carries passengers in contravention of this section, the person driving the vehicle shall be liable on summary conviction to a fine of one pound or any greater sum not exceeding five pounds, and the owner of the vehicle shall be liable on summary conviction to a like penalty unless he proves that the driver or conductor (as the case may require) acted without his privity or consent.

(2) No conductor shall be employed in or about a public service vehicle unless he holds a licence granted by the Ministry of Home Affairs, and any unlicensed person employed as such conductor shall be liable on summary conviction to a penalty of one pound or any greater sum not exceeding five pounds.

(3) A licence to drive or act as conductor of a public service vehicle may be granted upon payment of such fee (not exceeding five shillings), and on such conditions, be in such form, be subject to revocation or suspension in such events, and generally be dealt with, in such manner as may be prescribed:

Provided that—

(*a*) a licence granted under this section shall, if not revoked or suspended, be in force for one year;

(*b*) a licence to drive a public service vehicle shall not be issued to any person unless he is twenty-one or more years of age and satisfies the Ministry of Home Affairs that he is in all respects fit to discharge the duties, and is competent to drive a public service vehicle of the type, for which he requires the driver's licence;

(*c*) a conductor's licence shall not be issued to any person unless he is eighteen or more years of age and satisfies the Ministry of Home Affairs that he is capable of discharging the duties required of him as such conductor.

Penalties for overcrowding of public service vehicles.

13.—(1) Where a greater number of persons is carried on a public service vehicle than the number prescribed for such vehicle, the owner and also the conductor thereof shall be guilty of an offence against this section, and shall be liable on summary conviction to

Digitized by Google

A.D 1926

such penalty as is hereinafter in this section provided for such offence; and, for the purposes of this section, the driver of a vehicle shall be deemed to be its conductor if he is in sole charge thereof.

(2) The penalties for offences against this section shall be as follows:—

In the case of the owner—

(*a*) for a first offence, a fine of one pound;

(*b*) for a second offence, a fine of one pound or any greater sum not exceeding five pounds;

(*c*) for a third or subsequent offence, a fine of one pound or any greater sum not exceeding ten pounds;

(*d*) for each offence, an additional fine of two shillings and sixpence for each person carried in excess of the prescribed number;

In the case of the conductor, a fine of two shillings and sixpence for each person carried in excess of the prescribed number.

(3) Any court before whom a person is convicted of an offence against this section shall cause particulars of the conviction to be endorsed upon the licences issued under this Part of this Act for the vehicle in respect of which the offence has been committed and for the conductor of that vehicle, and shall cause a copy of those particulars to be sent to the Ministry of Home Affairs; and that Ministry shall have power, in the case of a third or subsequent offence against this section, to revoke any such licence for such period as it may think fit, having regard to the circumstances of the case and to any recommendation of the court before whom the person was convicted.

(4) Every person, being the holder, as owner or conductor of a vehicle, of any licence issued under this Part of this Act, who is charged with any offence against this section shall, if and when required, produce the licence to the court, and, if he fails to do so, shall be guilty of an offence under this Act.

Digitized by Google

A.D. 1926.

Amendment of law as to certain offences in connection with public stage carriages. 14 & 15 Vict. c. 92. 14 & 15 Geo. 5, c. 7.

14.—(1) So much of section eleven of the Summary Jurisdiction (Ireland) Act, 1851, and of section four of the Char-a-banc Regulation Act (Northern Ireland), 1924, as relates to the offences mentioned in paragraphs 1, 2 and 3 of the first-mentioned section shall, as from the appointed day, cease to apply where any such offence is committed in connection with a public service vehicle.

(2) The said sections, as amended by this Act, shall, as from the appointed day, have effect as if the words "of a town" were omitted from the said section eleven.

Provisions as to vehicles used to carry passengers whilst unsafe.

15. Any duly authorised officer shall have power to stop and examine any public service vehicle whilst plying for hire or carrying passengers for hire, and, if satisfied that the vehicle does not comply with the regulations prescribed for ensuring the safety of passengers and that danger to the passengers of the vehicle is likely to ensue, shall have power to require that the passengers shall leave the vehicle and that suitable arrangements shall be made by the owner of the vehicle for the immediate conveyance of the passengers to the places to which they are entitled to travel on the vehicle. If the owner of such vehicle fails to make suitable arrangements as aforesaid, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

In this section the expression "duly authorised officer" means a police officer or constable to whom functions have been assigned under this Part of this Act, or such officer of the Ministry of Home Affairs as may be authorised by that Ministry for the purposes of this section.

Provisions as to assignment of functions to police officers and constables.

16.—(1) The Ministry of Home Affairs may assign to officers and constables of the Royal Ulster Constabulary and special constables any powers and duties of the said Ministry under the provisions of this Part of this Act which the said Ministry thinks proper so to assign for the purposes of carrying any such provisions into execution; and, if the power of issuing licences is so assigned to any officers of the said Constabulary, the said Ministry may, by regulations, provide that any persons aggrieved by the refusal of any such officer to

Digitized by Google

A.D. 1926.

grant or vary a licence, or by the revocation of any licence, shall have an appeal to the said Ministry in accordance with such procedure as may be prescribed.

(2) The Minister of Home Affairs shall, subject to the approval of the Ministry of Finance, have power, if he considers that it is necessary so to do, for the purposes of this section—

(*a*) to alter the number and distribution of the officers and constables of the Royal Ulster Constabulary as determined by sub-section (2) of section one of the Constabulary Act (Northern Ireland), 1922, but so that the general strength of the Force shall not exceed the maximum number fixed by the First Schedule to the said Constabulary Act; and 12 & 13 Geo. 5, c. 8.

(*b*) to extend, in the case of persons having special qualifications for the performance of duties to which this section relates, the limit of age fixed by paragraph (*d*) of sub-section (1) of section seven of the said Constabulary Act.

Cessation of licensing powers of certain local authorities.

17.—(1) As from the appointed day, the powers conferred by any general or local Act upon the council of any county borough or urban district or the commissioners of any town, with respect to the licensing of public service vehicles (by whatever name called) and their drivers and conductors, and for regulating the number of such vehicles, and for making and enforcing bye-laws for the inspection of such vehicles, ensuring their fitness for public hire and preventing overcrowding thereon, shall cease to be exerciseable; and any licences issued by any such council or commissioners in respect of public service vehicles and their drivers and conductors shall cease to be operative as from such date or dates as may be prescribed.

(2) As from the appointed day—

(*a*) the provisions in any general or local Act which relate to the matters specified in sub-section (1) of this section shall cease to have effect; and

(*b*) in any other provisions of any such Act, references to vehicles licensed by any such

Digitized by Google

A.D. 1926.

council or commissioners as aforesaid shall be construed as references to vehicles licensed under this Part of this Act.

Powers of councils of county boroughs, and urban districts, &c., for regulation of traffic.

18.—(1) The council of any county borough or urban district and the commissioners of any town shall have power to make bye-laws as respects public service vehicles used in standing or plying for hire, or used to carry passengers for hire, within their county borough, urban district or town (in this section referred to as "the district"), for all or any of the following purposes, and either for general application or for application to public service vehicles of any particular class, that is to say:—

(*a*) For preventing such vehicles from standing or plying for hire on specified streets or portions of streets, or in any specified area in the district, or from carrying passengers from any depot or stand in any such street or area, either generally or during particular hours:

(*b*) For prescribing what portions of streets in the district, or other premises vested in or controlled by such council or commissioners, may be used as stands or starting places for such vehicles, and for fixing the charges to be made for the use of such stands and starting places, and the time during which such vehicles may remain at such stands or starting places, and the number of such vehicles which may stand at each such stand or starting place, and for regulating the times and intervals and order at and in which such vehicles may enter or leave such stands or starting places, or commence their journeys from any particular point or on any particular route, and for enforcing order at and on such stands, starting places, points and routes, and for reserving particular stands and starting places for such vehicles or for vehicles plying upon particular routes, and for excluding from such stands and starting places all persons and vehicles except the persons and vehicles for whose use the same are provided, and for preventing such vehicles from using any part of the

Digitized by Google

A.D. 1926.

streets in the district as stands or starting places, except in accordance with such bye-laws;

(*c*) For prescribing the routes to be followed by such vehicles from one specified point to another within the district, and for excluding from specified streets or portions of streets in the district all such vehicles except those which are proceeding in one particular direction, and in either case either generally or during particular hours;

(*d*) For prescribing the points within the district other than such stands and starting places as aforesaid, at which such vehicles may stop, and the time during which they may stop, for the purpose of taking up or setting down passengers, and for preventing such vehicles from stopping for such purposes at any points other than the points, or longer than the time, so prescribed;

(*e*) For prescribing the distance to which the drivers of such vehicles shall be obliged to carry passengers for hire, but not exceeding ten miles outside the boundaries of the district;

(*f*) For fixing the maximum rates or fares to be charged for or on such vehicles for passengers and luggage, as well within the said distance of ten miles as within the boundaries of the district, and the minimum rates or fares to be charged on such vehicles for passengers and luggage within the boundaries of the district, and for preventing the drivers or conductors of any such vehicles from demanding more than the maximum, or accepting less than the minimum, rates or fares so fixed.

(2) The provisions of sections two hundred and nineteen to two hundred and twenty-three, inclusive, of the Public Health (Ireland) Act, 1878, shall apply with respect to bye-laws made under this section, and also with respect to bye-laws made under any local Act by any such council or commissioners for the regulation of public service vehicles, or any class or description thereof

41 & 42 Vict. c. 52.

Digitized by Google

A.D. 1926.

(by whatever name called); and in relation to such last-mentioned bye-laws the Ministry of Home Affairs shall be substituted for any other confirming or approving authority specified in such local Act.

Regulations by Ministry of Home Affairs for purposes of Part II. of Act.

19. The Ministry of Home Affairs shall have power to make regulations (either as respects all public service vehicles or as respects public service vehicles of any prescribed class) for all or any of the following purposes:—

(*a*) For prescribing, subject to the approval of the Ministry of Finance, the fees to be paid for the issue of licences under this Part of this Act for vehicles, drivers and conductors;

(*b*) For regulating the manner in which the distinguishing mark or plate is to be shown on any such vehicles;

(*c*) For regulating the number of persons who may be carried in any such vehicle, the space to be allotted to each such person, and the manner in which such number and space are to be indicated upon the vehicle;

(*d*) For regulating the manner in which any such vehicles are to be furnished or fitted; for ensuring their fitness for public hire and the safety of their passengers and providing for their inspection for those purposes and for the cessation of user of a vehicle which at any time fails in any way to comply with the requirements of the regulations;

(*e*) For prescribing the classes of vehicles for which conductors are to be carried in addition to drivers;

(*f*) For requiring the wearing of badges by licensed drivers and conductors;

(*g*) For regulating the conduct of passengers and of persons employed in or about any such vehicle;

(*h*) For securing the due publication of the rates or fares to be paid for such vehicles;

(*i*) For securing the safe custody and redelivery of any property accidentally left in any such vehicle and fixing the charges to be

Digitized by Google

paid in respect thereof, and for empowering the prescribed persons to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time;

(*j*) For providing for the performance by police officers and constables of such duties as may be assigned to them under this Part of this Act, and for appeals from decisions of those officers to the Ministry of Home Affairs in such cases as may be prescribed;

(*k*) For prescribing anything which is required by this Part of this Act to be prescribed, and generally for giving full effect to this Part of this Act.

PART III.

SUPPLEMENTAL.

Payments into and out of the Road Fund (Northern Ireland).

20.—(1) All sums received by the Ministry of Home Affairs or by any officer of the Royal Ulster Constabulary or by the council of any county or county borough by way of fees for licences granted under Part I. or Part II. of this Act, and all penalties and other sums recovered under or in pursuance of this Act, shall be paid into the Exchequer of Northern Ireland in such manner and in accordance with such directions as may be contained in any Order made by the Governor of Northern Ireland in Council under the Roads Act, 1920.

(2) There shall be charged on and issued out of the Consolidated Fund of Northern Ireland, or the growing produce thereof, and paid to the Road Fund (Northern Ireland) in accordance with the directions of the Ministry of Finance, a sum equal to the proceeds of all sums paid into the said Exchequer under this section.

(3) Sub-section (4) of section three of the Roads Act, 1920, which relates to payments out of the Road Fund (Northern Ireland), shall have effect as if the following paragraph were substituted for paragraph (*c*) thereof:

"(*c*) such part of the expenses incurred by and in connection with the Ministry of Home Affairs (including the salaries of officers of that Department), and of the expenses incurred

Digitized by Google

A.D. 1926.

by and in connection with police officers and constables, as the Ministry of Home Affairs may, from time to time, with the approval of the Ministry of Finance, determine to be expenses so incurred in the administration of this Act, and the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, and otherwise in relation to the use and control of mechanically propelled vehicles on public highways;"

(4) Paragraph (*b*) of sub-section (4) of section three of the Roads Act, 1920, shall cease to have effect as from the day appointed for the provisions of Part II. of this Act relating to the cessation of licensing powers of certain local authorities, but without prejudice to the payment to those authorities after that day of any sums determined to be payable under the said paragraph in respect of any period prior to that day.

Penalties and legal proceedings.

21.—(1) A person guilty of an offence under this Act, for which no special penalty is provided, shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(2) A person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information, complaint or application under this Act may appeal against the conviction or order in manner provided by the Summary Jurisdiction (Ireland) Acts, as extended by sub-section (11) of section forty-three of the Criminal Justice Administration Act, 1914.

4 & 5 Geo 5, c. 58.

(3) A court of quarter sessions when hearing and determining any appeal under this Act or against any conviction for an offence under the Locomotives on Highways Act, 1896, or the Roads Act, 1920, shall be constituted of the county court judge or recorder sitting as the sole judge.

(4) Any police officer or constable who appears on any information, complaint or application before a court of summary jurisdiction under this Act or under any Act mentioned n sub-section (3) of this section, shall have a right of appeal against any order made by

Digitized by Google

A.D. 1926.

such court in the matter of the information, complaint or application, and the provisions of section twenty-four of the Petty Sessions (Ireland) Act, 1851, relating to appeals (except provisions as to recognizances) shall apply accordingly.

14 & 15 Vict. c. 93.

False statements and forgery or fraudulent use of licences, &c.

22.—(1) If any person in connection with an application for a licence under any provision of this Act makes a declaration which to his knowledge is false or in any material respect misleading, or if any person, being required by this Act or regulations made thereunder to furnish particulars in connection with any such application or otherwise in connection with any vehicle, furnishes any particulars which to his knowledge are false or in any material respect misleading, such person shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(2) If in any proceedings under this section any question arises as to the number of vehicles used, or as to the character, weight or horse-power of any vehicle, or as to the number of persons seated by a vehicle, or as to the purpose for which any vehicle has been used, the burden of proof in respect of the matter in question shall lie on the defendant.

(3) If any person forges or fraudulently alters or uses or fraudulently lends to, or allows to be used by, any other person any mark for identifying a vehicle, any badge, or any licence, under this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

Provisions as to regulations and local inquiries.

23.—(1) All regulations made by the Ministry of Home Affairs under this Act shall have full effect notwithstanding anything in any enactment, whether general or local, or in any bye-laws or regulations made under any such enactment.

Any such regulations may, if the said Ministry deems it necessary, be of a local nature and limited in their application to a particular area.

(2) Local authorities shall comply with any regulations made by the Ministry of Home Affairs under this Act.

Digitized by Google

A.D. 1926.

(3) If any person acts in contravention of or fails to comply with any regulation made under this Act he shall for each offence, if it is an offence for which no special penalty is provided by this Act, be liable on summary conviction to a fine not exceeding twenty pounds.

(4) Sub-sections (1) and (3) of article thirty-two of the schedule to the Local Government (Application of Enactments) Order, 1898, and section six of the Local Government Act (Northern Ireland), 1923, shall apply for the purpose of the carrying out by the Ministry of Home Affairs of any of its powers or duties under this Act.

13 & 14 Geo. 5, c. 31.

(5) All regulations made by the Ministry of Home Affairs under this Act shall be forthwith laid upon the table of both Houses of Parliament, if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament.

Saving and extent of application of Act.

24.—(1) Nothing in this Act shall affect any liability of the driver or owner of any mechanically propelled vehicle by virtue of any statute not repealed by this Act or at common law.

(2) It is hereby declared that this Act and the Locomotives on Highways Act, 1896, apply to persons in the public service of the Crown:

Provided that nothing in this Act shall be construed as making provision with regard to any matter or thing in respect of which the Parliament of Northern Ireland has not power to make laws.

(3) The provisions of this Act and of the Locomotives on Highways Act, 1896, shall apply in the case of a roadway to which the public are granted access in the same manner as they apply in the case of a public highway:

Provided that no road vested in, or under the control of, the Belfast Harbour Commissioners, or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to roads and regulating motor traffic thereon, shall be deemed for the purposes of this Act to be a roadway to which the public are granted access, except so far as is necessary in order to enable proceedings under this Act to be taken against,

Digitized by Google

A.D. 1926.

and penalties and other disabilities thereunder to be inflicted upon, any person for any of the following offences, if committed on any such road, that is to say :—

An offence of reckless, wanton or dangerous driving ;

An offence of drunkenness while in charge of a motor car ;

A breach, on the part of the driver of a motor car, of the duty to stop in case of an accident.

(4) The provisions of this Act shall be without prejudice to the provisions of the Motor Car (International Circulation) Act, 1909, or any future enactment of the Parliament of the United Kingdom for facilitating the international circulation of motor cars. 9 Edw. 7, c. 37.

Interpretation.

25.—(1) In this Act, unless the context otherwise requires —

The expression " motor car " has the same meaning as the expression " light locomotive " has in the Locomotives on Highways Act, 1896, as amended by this Act :

The expression " local authority " means the council of a county, county borough or urban district :

The expression " prescribed " means prescribed by regulations made by the Ministry of Home Affairs under this Act.

The expression " owner " means in relation to any vehicle the person by whom the vehicle is kept and used.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Commencement of Act and repeal

26.—(1) The provisions of Part I. of this Act with respect to the licensing and physical fitness of drivers of motor cars, and the provisions of Part II. of this Act,

Digitized by Google

A.D. 1926.

shall come into operation on such day as may be appointed by the Minister of Home Affairs, and that Minister may appoint different days for different purposse and for different provisions of Part II. of this Act.

(2) Save as aforesaid, this Act shall come into operation on the passing thereof.

(3) The enactments set out in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that—

(i) in any case where by virtue of this Act an enactment will cease to have effect as from the day appointed for any provision of this Act, that enactment shall be repealed as from the said day and not previously ;

52 & 53 Vict., c. 63.

(ii) without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889—

(*a*) nothing in this repeal shall affect any order or regulation made, licence issued, notice, direction or approval given or thing done, under any enactment repealed by this Act, and every such order, regulation, licence, notice, direction or approval, shall continue in force and have effect as if made, issued or given under the corresponding enactment of this Act, and be subject to any power of revocation or suspension or other conditions contained in this Act ;

(*b*) any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.

Short title.

27. This Act may be cited as the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926.

Digitized by Google

SCHEDULE.

A.D. 1926

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Vict., c. 92.	The Summary Jurisdiction (Ireland) Act, 1851.	In section eleven the words "of a town"; paragraphs 1, 2 and 3 of section eleven so far as they relate to public service vehicles.
3 Edw. 7, c. 36.	The Motor Car Act, 1903.	The whole Act.
10 & 11 Geo. 5, c. 72.	The Roads Act, 1920.	Paragraph (*b*) in sub-section (4) of section three; sub-sections (1), (2), (3) and (5) of section seven; sub-section (3) of section fourteen so far as it relates to public service vehicles.

Digitized by Google

TABLE II

SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

PART I.

ACTS OF PARLIAMENT OF THE UNITED KINGDOM (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THE PARLIAMENT OF NORTHERN IRELAND PASSED IN THE SESSION 16 & 17 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
3 & 4 Vict., c. 108.	Municipal Corporations, 1840.	s. 14 new section substituted. s. 28 repealed.	6, s. 1 (1).
9 & 10 Vict., c. 37.	Coroners.	s. 46 am.	15, s. 17.
14 & 15 Vict., c. 90.	Fines.	s. 4 in pt. repealed. s. 9 in pt. repealed.	15, s. 14 (2). s. 14 (3).
14 & 15 Vict., c. 92.	Summary Jurisdiction.	Section 11 in pt. rep. and am.	31, s. 14 (1) s. 14 (2) and sched.
14 & 15 Vict., c. 93.	Petty Sessions.	section 24 applied.	31, s. 21 (4).
28 & 29 Vict., c. 5.	Dogs Regulation.	s. 15 am.	11, s. 9 (3).
29 & 30 Vict., c. 39.	Exchequer and Audit.	Any unrepealed enactments repealed.	27, 2nd sch.
33 & 34 Vict., c. 112.	Glebe Loan.	continued until 31st December, 1927.	20, s. 1 (1)
34 & 35 Vict., c. 65.	Juries.	s. 19 in pt. repealed.	15, s. 18 (6).
35 & 36 Vict., c. 25.	Juries.	s. 4 rep.	15, s. 18 (6).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
38 & 39 Vict., c. 82.	National School Teachers' Residences.	proviso to section two rep. and sec. 4 in part rep.	27, 2 sch.
39 & 40 Vict., c. 21.	Jurors Qualification.	Act repealed.	15, s. 1.
39 & 40 Vict., c. 78.	Juries' Procedure.	s. 4 in pt. rep. s. 20 and 1st Sch. rep.	15, s. 18 (6).
40 & 41 Vict., c. 2.	Treasury Bills.	s. 6 am. am.	14, s. 2 (2). 25, s. 2 (2).
41 & 42 Vict., c. 52.	Public Health.	section 219 to 223 inclusive applied to bye-laws under Motor Vehicles (Traffic) Act.	31, s. 18 (2).
41 & 42 Vict, c. 69. ,	Petty Sessions Clerks and Fines.	s. 8 am. s. 9 in pt. rep.	11, s. 9 (1). 15, s. 14 (1).
42 & 43 Vict., c. 74.	National School Teachers.	Act repealed.	16, s. 1 (4).
45 & 46 Vict., c. 73.	Ancient Monuments	repealed.	12, s. 19 and 2nd sch.
46 & 47 Vict., c. 60.	Labourers.	continued until 31st December, 1927.	20, s. 1 (1).
54 & 55 Vict., c. 39.	Stamp Act.	First Schedule am.	24, s. 1.
55 & 56 Vict., c. 46.	Ancient Monuments	repealed.	12, s. 19 and2ndsch.
57 & 58 Vict., c. 57.	Diseases of Animals.	s. 22, s. 23 am. ss. 71, 72, 73, 77 and 2nd sch. repealed.	4, s. 3. 4, s. 14.
59 & 60 Vict., c. 36.	Highways.	s. 1 am.	31, s. 6 (1)(c)
61 & 62 Vict., c. 37.	Local Govt.	s. 19, ss. 2 rep. s. 69, ss 7, in pt. rep.	12, s. 19. 15, s. 18 (6).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
62 & 63 Vict., c. 50.	Agriculture and Technical Instruction	s. 17, ss. 1 am.	4, s. 3.
63 & 64 Vict., c. 34.	Ancient Monuments	repealed.	12, s. 19, and 2nd Sch.
3 Edw. 7, c. 36.	Motor Car Act.	repealed.	31, sched.
7 Edw. 7, c. 27.	Advertisements Regulations.	applied.	12, s. 16.
7 Edw. 7, c. 45.	Lights on Vehicles.	am.	31, s. 8.
8 Edw. 7, c. 38.	Irish Universities	first schedule am.	13, s. 1.
8 Edw. 7, c. 59.	Children Act, 1908.	amended in application to Malone Training School.	22, s. 1 (3).
10 Edw. 7, and 1 Geo. 5, c. 3.	Ancient Monuments.	repealed.	12, s. 19 and 2nd Schd.
1 & 2 Geo. 5, c. 11.	Poultry.	s. 1 am.	4, 3.
1 & 2 Geo. 5., c. 27.	Protection of Animals.	Sec. 1 ss. 3 (*b*) am.	29, s. 11
2 & 3 Geo. 5, c. 2.	Coal Mines.	continued until 31st December, 1927.	20, s. 1 (1).
4 & 5 Geo. 5, c. 3.	Grey Seals Protection.	continued until 31st December, 1927.	20, s. 1 (1).
4 & 5 Geo. 5, c. 40.	Diseases of Animals.	repealed.	4, s. 14.
4 & 5 Geo. 5, c. 78.	Courts Emergency Powers.	continued until 31st December, 1927.	20, s. 1 (1).
6 & 7 Geo. 5, c. 12.	Local Govt. Emergency Powers.	s. 1 am.	26, s. 1 (1).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
8 & 9 Geo. 5., c. 13.	Horse breeding.	Act repealed.	30, s. 13 (1).
8 & 9 Geo. 5, c. 34.	Statutory Undertakings Increase of Charges.	continued until 31st December, 1927.	20, s. 1 (1).
9 & 10 Geo. 5, c. 45.	Housing.	continued until 31st December, 1927.	20, s. 1 (1).
9 & 10 Geo. 5. c, 57.	Acquisition of Land.	ss.3 and 6 applied.	12, s. 9 (2).
10 & 11 Geo. 5, c. 18.	Finance Act, 1920.	Second Sched., par. 5 am.	31, s. 3 (5).
10 & 11 Geo. 5, c. 21.	Harbours, Docks and Piers (Temporary Increase of Charges).	continued until 31st December, 1927.	20, s. 1. (1)
10 & 11 Geo. 5, c. 36.	Pensions Increase.	schedule am. and first statutory condition for increase, repealed s. 3 a.m.	10, s. 21. s. 3. s. 4.
10 & 11 Geo. 5, c. 43.	Firearms.	sec. 1 am. sec. 18, ss. 9 am.	17, s. 1 (1). s. 2 (2).
10 & 11 Geo. 5, c. 50.	Mining.	ss. 4 and 20 repealed.	9, s. 18.
10 & 11 Geo. 5, c. 57.	Unemployment (Relief Works).	continued until 31st December, 1927.	20, s. 1 (1).
10 & 11 Geo. 5, c. 65.	Employment of Women, Young Persons and Children.	continued until 31st December, 1927.	20, s. 1 (1).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
10 & 11 Geo. 5, c. 67.	Govt. of Ireland.	s. 10, ss. 2 am. s. 57, ss. (1) am.	4, s. 1 (1). 10, s. 1.
10 & 11 Geo. 5, c. 72.	Roads.	section 3, ss. 4 am. section 3, ss. 4 (*b*). section 7, ss. (1), (2), (3), and (5), and section 14, ss. (3) in pt ; repealed.	11, s. 10. c. 31 sched.
11 & 12 Geo. 5, c. 15.	Unemployment Insurance No. 2, 1921.	s. 16 am.	1, s. 4 (4)
11 & 12 Geo. 5, c. 66.	National Health Insurance (Prolongation of Insurance.)	continued until 31st December, 1927.	20, s. 1 (1).
14 & 15 Geo. 5, c. 32.	Pensions Increase.	ss. 1 and 2, confirmation of agreement as to increases of pensions payable under.	10, s. 1.
14 & 15 Geo. 5, c. 38.	National Health Insurance.	s. 4 am. s. 68 am. s. 1 (2) am. s. 58 (5) am. s. 59 (1) (*a*) am. s. 59 (1) (*e*) ii am. s. 62 (3) am. s. 67 (1) am. s. 68 (1) am.	11, s. 1. s. 4 (1). s. 6 ss. (2) and first sch.
14 & 15 Geo. 5, c. 38.	National Health Insurance.	Section 54 continued until 31st December, 1927.	20, s. 1 (1).
15 & 16 Geo. 5, c. 63.	Diseases of Animals.	repealed.	4, s. 14.

Digitized by Google

PART 2.

ACTS OF PARLIAMENT OF NORTHERN IRELAND (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THAT PARLIAMENT PASSED IN THE SESSION 16 & 17 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
12 Geo. 5, c. 2.	Exchequer and Audit.	New section (27a) added s. 28 am.	27, s. 4.
12 Geo. 5, c. 5.	Local Govt. (Emergency Powers.)	continued until 31st December, 1927.	20, s. 1 (1).
12 & 13 Geo. 5. c. 3.	Exchequer Borrowings and Local Loans.	sec. 1 in pt. rep. sec. 4, ss. 1 & 2 rep. sec. 5, ss. (1) rep.	27, 2nd sch.
12 & 13 Geo. 5. c. 5.	Civil Authorities (Special Powers).	continued until 31st December, 1927.	20, s. 1 (1).
12 & 13 Geo. 5, c. 7.	Unemployment Insurance.	s. 2 and Sch. 1, pt. II. rep.	11, s. 11 (3), and 3rd Sch.
12 & 13 Geo. 5, c. 8.	Royal Ulster Constabulary.	section one, ss. (2) am.	31, s. 16 (2).
12 & 13 Geo. 5, c. 11.	Motor Vehicle Races.	am.	31, s. 9.
12 & 13 Geo. 5, c. 13.	Church Temporalities.	sec. 2, ss. 2 rep.	16, s. 1 (4).
12 & 13 Geo. 5, c. 24.	Loans Guarantee.	s. 1 (1) am.	3, s. 1 (1). 19, s. 1 (1).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
13 Geo. 5, c. 4.	Exchequer and Financial Provisions.	s. 5, ss. 1 rep.	27, 2nd sch.
13 & 14 Geo. 5, c. 5.	Petty Sessions Fees.	s. 1 am.	11, s. 9 (1).
13 & 14 Geo. 5, c. 21.	Education	section 74, ss. (3) rep.	27, and Schd.
13 & 14 Geo. 5, c. 26.	Loans Guarantee.	s. 1 am. s. 10, ss. (2) rep.	19, s. 1 (1). 27, 2nd sch.
13 & 14 Geo. 5, c. 30.	Housing.	s. 1 (1) *c.* am. s. 1 am.	2, s. 1 (1). 23, s. 1 (1).
13 & 14 Geo. 5, c. 31.	Local Govt.	s. 5 applied. sec. 6 applied to powers of Ministry of Home Affairs under Motor Vehicles Traffic Act sec. 10 am.	6, s. 1 (4). 31, s. 23 (4). 4, s. 4. 11, s. 10.
14 & 15 Geo. 5, c. 7.	Char-a-banc.	sec. 4 in pt. rep.	31, s. 14 (2).
14 & 15 Geo. 5, c. 13.	Exchequer & Financial Provisions.	sec. 2 am. sec. 5, ss. (1) rep.	27, s. 3. 27, 2nd sch.
14 & 15 Geo. 5, c. 15.	Marketing of Eggs.	sec. 1 am. sec. 3, ss. (1) am. sec. 8, ss. 3 substituted.	28, s. 1 (1). s. 3. s. 5.
14 & 15 Geo. 5, c. 16.	National Health Insurance.	sec. 2 continued until 31st December, 1927.	20, s. 1 (1).
14 & 15 Geo. 5, c. 19.	Finance.	sec. 10 rep.	27, 2nd sch.
14 & 15 Geo. 5, c. 21.	Industrial Assurance.	sec. 11 replaced.	21, s. 1.
14 & 15 Geo. 5, c. 25.	Unemployment Insurance.	sec. 1 a sec. 3, ss. (2). extended.	18, s. 1.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 16 & 17 Geo. 5.
14 & 15 Geo. 5, c. 38.	National Health Insurance.	s. 69, ss. 2 (*a*) rep. ss. (5) in pt. rep.	11, s. 11 (3). and third Schd.
15 Geo. 5, c. 2.	Loans Guarantee.	am.	19, s. 1 (1).
15 & 16 Geo. 5, c. 7.	Canals (Charging Powers).	continued until 31st December, 1927.	20, s. 1 (1).
15 & 16 Geo. 5, c. 8.	Pharmacy.	s. 7 am.	5, s. 1.
15 & 16 Geo. 5, c. 17.	Loans and Exchequer Provisions.	Sec. 1 am. Sch., par. 1, 2, & 3 rep.	27, s. 1. 27, 2nd sch.
15 & 16 Geo. 5, c. 22.	Unemployment Insurance.	s. 3 am. s. 3, ss. (1) (*c*). in pt. rep. s. 3, ss. 1 (*b*) rep. s. 4, ss. (1) extended.	1, s. 4 (4). 11, s. 8 (1). 11, s. 11 (3) and third sch. s. 8 (2). 18, s. 1.
15 & 16 Geo. 5, c. 23.	Widows and Orphans Pensions.	Fourth Schedule Pt. 1 pars. 3 and 4 rep.	11, s. 11 (3). and third sch.
15 & 16 Geo. 5, c. 24.	Drainage.	Sec. 23 rep.	27, 2nd sch.
15 & 16 Geo. 5, c. 28.	Superannuation.	sec. 3, ss. 2 (*b*) applied.	16,s. 4 (*c*).
16 Geo. 5, c. 3.	Loans Guarantee.	am.	19, s. 1 (1).
16 Geo. 5, c. 4.	Administrative Provisions.	Sec. 2, ss. (1) & (2).	27, 2nd sch.

Digitized by Google

TABLE III

INDEX

TO THE

PUBLIC GENERAL STATUTES.

16 GEO. 5 AND 16 & 17 GEO. 5.—A.D. 1926.

PAGE

ADMINISTRATIVE PROVISIONS : 9

GENERAL PROVISIONS AS TO TRANSFERRED POWERS.
1. Exercise of executive powers of Council of Ireland .. 10
2. Loans for purposes of railways, fisheries and Diseases of Animals Acts 10

RAILWAY MATTERS.
3. Saving for powers as to transit of animals and produce .. 11
4. Amendment of 13 & 14 Geo. 5, c. 31, s. 10 as to railway and harbour charges 12
5. Grants for purposes of light railways 12
6. Saving for Railway and Canal Commission 12

FISHERY MATTERS. 12
7. Apportionment of property of fishery conservators .. 12
8. Power to charge reduced duties for licences to fish in certain cases 13
9. Grants in aid of fisheries 13

CONTAGIOUS DISEASES OF ANIMALS. 13
10. Establishment of new General Cattle Diseases Fund .. 13
11. Payments into the General Account of the Fund .. 14
12. Payments out of the General Account of the Fund .. 15
13. Payments into and out of the Special Account of the Fund 17
14. Repeal of enactments of 57 & 58 Vict., c. 57, 4 & 5 Geo. 5, c. 40 and 15 & 16 Geo. 5, c. 63 18

SUPPLEMENTAL.
15. Short title and commencement. 18
Schedules 18, 19

ANCIENT MONUMENTS : 56

PART I.

GUARDIANSHIP OF ANCIENT MONUMENTS.
1. Appointment of Ministry of Finance as guardian of ancient monuments 56
2. Effect of guardianship 57

PART II.

ACQUISITION OF ANCIENT MONUMENTS.
3. Purchase of ancient monuments by agreement .. 58
4. Gift, devise or bequest of ancient monuments to Ministry of Finance 58

Digitized by Google

ANCIENT MONUMENTS—*Continued.* PAGE

PART III.

PROTECTION OF ANCIENT MONUMENTS.
5. Notice to be given by owners of certain monuments .. 58
6. Orders placing ancient monuments under protection of Ministry of Finance 59
7. Effect of Preservation Orders 60
8. Penalty for injuring ancient monuments 60
9. Compensation for infringement of private rights .. 60

PART IV.

GENERAL.
10. Power to receive voluntary contributions for maintenance of ancient monuments 61
11. Powers of county councils with respect to ancient monuments 61
12. Public access to ancient monuments 62
13. Ancient Monuments Advisory Committee 62
14. Expenses of Ministry of Finance and Advisory Committee 63
15. Advice and superintendence by Ministry of Finance .. 63
16. Power of councils to make bye-laws regulating advertisements 64
17. Definition of monument and ancient monument .. 64
18. Finding of archaeological objects 64
19. Repeal 65
20. Short title 65
Schedules 66

ANIMALS:
Contagious Diseases of 13
See ADMINISTRATIVE PROVISIONS.
Performing: Protection of 145
See PROTECTION OF ANIMALS.

APPROPRIATION ACT 68

APPROPRIATION ACT (NO. 2) 132

ADMINISTRATION OF TRANSFERRED SERVICES 9

ARCHAEOLOGICAL OBJECTS: FINDING OF 64
See ANCIENT MONUMENTS.

AUDIT OF ACCOUNTS 136
See EXCHEQUER AND FINANCIAL PROVISIONS.

BIRDS, Protection of 149
See PROTECTION OF ANIMALS.

BORSTAL INSTITUTION 118
See MALONE TRAINING SCHOOL.

COMMERCE, MINISTRY OF:
Powers and duties of, in relation to Mining facilities .. 31
See MINES (WORKING FACILITIES).

COUNCIL OF IRELAND:
Exercise of executive powers of 10

Digitized by Google

PAGE

DISEASES OF ANIMALS :

Cattle diseases fund 13

Loans for 10

See ADMINISTRATIVE PROVISIONS ACT.

DRIVING, reckless, wanton or dangerous 159

See MOTOR VEHICLES (TRAFFIC AND REGULATION).

DRUNKENNESS : .. ..

See MOTOR VEHICLES (TRAFFIC AND REGULATION). 159

ECONOMY (EXCHEQUER RELIEF) : 45

PART I.

NATIONAL HEALTH INSURANCE.

1. Amendment as to proportion of contributions payable respectively by insured persons and employers and by the Ministry of Finance 45
2. Expenses of administration of benefits 46
3. Application of Reserve Suspense Fund and Central Fund towards making good deficiencies due to provisions of this Part of this Act 46
4. Amendment of s. 68 of principal Act 48
5. Provisions as to Navy, Army and Air Force Insurance Fund 48
6. Consequential amendments of enactments relating to national health insurance, and variation of reserve values 49
7. Short title and construction of Part I. .. 49

PART II.

UNEMPLOYMENT INSURANCE.

8. Amendment of s. 3 of Unemployment Insurance Act (Northern Ireland), 1925 50

PART III.

PETTY SESSIONS FUND, &C.

9. Relief to Exchequer from Petty Sessions Fund and Dogs' Acts Account 50

PART IV.

GRANTS IN AID OF LOCAL EXPENDITURE.

10. Payment of certain grants out of the Road Fund .. 52

PART V.

11. Short title, construction and repeal 52

Schedules 53, 55

EMERGENCY POWERS :

Proclamation of Emergency Regulations, power to Governor to make 25

EXCHEQUER AND FINANCIAL PROVISIONS ACT :

1. Advances for Government Loans for period ending on 31st March, 1929 135
2. Consolidation and amendment of enactments relating to local loans, land and works loans and development loans 136
3. Extension of limit on amount of certain Consolidated Fund charges 136
4. Audit of accounts by Comptroller and Auditor-General .. 136
5. Provisions as to salary and superannuation, &c., of Comptroller and Auditor-General 137
6. Repeals 138
7. Short title 138

Schedules 138, 139

Digitized by Google

PAGE

EXPIRING LAWS, CONTINUANCE 110

FINANCE (STAMP DUTY):
Exemption of certain grants and letters patent .. 129

FIREARMS (Amendment):
Permit 106

FISHERY:
Apportionment of property of conservators 12
Duties for licences to fish 13
Grant in aid 13
Loans for 10
See ADMINISTRATIVE PROVISIONS ACT.

GRAND JURY:
Belfast City Commission 79
Abolition of at Quarter Sessions 79
See JURY LAWS AMENDMENT.

GRANTS AND LETTERS PATENT:
Exemption of certain from Stamp duty 129
See FINANCE (STAMP DUTY).

HORSE BREEDING ACT:
1. Licences and permits for ownership or keeping of stallions 151
2. Power of Ministry of Agriculture to grant, revoke and suspend licences 152
3. Duration, transfer and production of licences .. 153
4. Appeals 154
5. Permits for stallions kept for certain purposes .. 155
6. Duties of owners of stallions 155
7. Inspection of stallions 156
8. Penalty for false information and fraudulent use of licence, &c. 156
9. Burden of proof 156
10. Power to make rules 157
11. Prosecutions and fines 157
12. Interpretation 157
13. Commencement of Act and repeal of 8 & 9 Geo. 5, c. 13 .. 158
14. Short title 158

HOUSING:
Extension of time for operation of Act of 1923 to 1st April, 1928 7

INDUSTRIAL ASSURANCE:
Exemption of Juvenile Societies 116

INN OF COURT OF NORTHERN IRELAND:
Payments by Ministry of Finance to 129

JUROR:
Certificate for excuse on ground of ill health, form of .. 96

Digitized by Google

PAGE

JURORS QUALIFICATION :
Revision of lists 81
See JURY LAWS AMENDMENT.

JURY LAWS AMENDMENT :
1. Qualification of jurors 75
2. Preparation of lists of special jurors 78
3. Exemption from serving on juries 79
4. Selection of grand jurors for Belfast City Commission .. 79
5. Grand juries at courts of quarter sessions 79
6. Selection of jurors to be returned for service 80
7. Revision of jurors' lists 81
8. Temporary appointment of additional judge in connection with revision of jurors' lists for Belfast and Antrim .. 82
9. Areas for which lists of jurors are to be prepared .. 83
10. Form of precept to be issued to local officers, &c. .. 84
11. Chargeability of local expenses in connection with jurors' lists 84
12. Remuneration of existing local officers in connection with jurors' lists 84
13. Provisions as to release and excusing of jurors .. 85
14. Imposition of fines on defaulting jurors 86
15. Remuneration and other expenses of jurors, &c., in civil trials 87
16. Detention of jurors in civil trials during interval for refreshment 88
17. Duties of jurors upon coroner's inquest 88
18. Short title, construction, bringing of Act into operation, and repeal 88
Schedules 89 97

JUVENILE SOCIETIES :
Exemption of from Industrial Assurance Act 116
See INDUSTRIAL ASSURANCE.

LOANS GUARANTEE :
Increasing amount of loans and extending period for .. 110
Maximum limit of aggregate capital increased to Nine million pounds 110

LOCAL EXPENDITURE, grants in aid of out of Road Fund
See (ECONOMY, EXCHEQUER RELIEF). 52

LOCAL GOVERNMENT (WAR SERVICE PAYMENTS) :
Bonus and salary increments 134

MALONE TRAINING SCHOOL :
Transfer to Ministry of Home Affairs for Reformatory School and Borstal institutions 117

MARKETING OF EGGS : 141
1. Power of Ministry of Agriculture to refuse to grant licences to wholesale dealers in eggs in certain cases .. 141
2. Evidence of authority to purchase on behalf of licensed wholesale dealers 141
3. Returns with respect to dealings in preserved eggs .. 142
4. Extension of power to make rules 142
5. Provisions as to penalties and offences 142
6. Provisions as to sale, &c., of unclean or stale eggs .. 142
7. Purchase of eggs by weight when bought by traders .. 143
8. Inspection of egg cases in transit 144
9. Short title, construction, citation and commencement of Act 144

Digitized by Google

PAGE

MINES (WORKING FACILITIES, SUPPORT, &C.): 27

PART I

RIGHTS OF WORKING MINERALS AND RIGHTS ANCILLARY THERETO AND OF SUPPORT.

1. Power to grant right to work minerals which would otherwise be unworkable 27
2. Power to grant right to work minerals in case of agreement as to adjustment of boundaries between two mines .. 28
3. Power to grant ancillary rights for facilitating the working of minerals 28
4. Limitation on power of granting rights 29
5. Applications for rights 30
6. Power of Ministry of Commerce to grant rights after reference to the Tribunal 31
7. Provisions in case of several applications in respect of the same rights 33
8. Restrictions on working minerals required for support .. 33
9. Determination and payment of compensation .. 35
10. Appeals to county court sitting with an assessor as to amount of compensation 36
11. Constitution and procedure of the Tribunal 37
12. Power of Ministry of Commerce to state special cases .. 37
13. Power of Ministry of Commerce to make rules .. 38
14. Effect of grant of right 38
15. Provisions as to tenants tor life, &c. 38
16. Saving of rights under the Railways Clauses Act, &c. .. 39
17. Interpretation 39

PART II.

AMENDMENT OF LAW.

18. Repeal of ss. 4 and 20 of 10 & 11 Geo. 5, c. 50 .. 40

PART III.

GENERAL.

19. Expenses under Part I of Act 40
20. Saving for Land Purchase Commission 40
21. Short title, commencement and construction .. 40

Schedule 40, 41

MINISTRY OF FINANCE:

Ancient monuments, guardianship of 56

MOTOR VEHICLES (TRAFFIC AND REGULATION): 158

PART I.

AMENDMENTS OF EXISTING LAW AS TO USE OF VEHICLES ON PUBLIC HIGHWAYS.

1. Reckless, wanton or dangerous driving 159
2. Penalty for drunkenness while in charge of a motor car .. 159
3. Licensing and physical fitness of drivers 160
4. Suspension and endorsement of licence, and disqualification 162
5. Duty to stop in case of accident 165
6. Regulations as to speed and maximum weight of motor cars, and penalties for speed offences, &c. .. 166
7. Erection of notice boards 167
8. Regulations as to carrying of lights by certain vehicles .. 167
9. Powers of county councils in connection with motor races 167

Digitized by Google

PAGE

MOTOR VEHICLES (TRAFFIC AND REGULATION)—*Continued.*

PART II.

LICENSING AND REGULATION OF PUBLIC SERVICE VEHICLES.

10. Definition of public service vehicle, and saving for existing enactments 168
11. Grant of licences for public service vehicles and penalties for use of unlicensed vehicles 168
12. Licensing of drivers and conductors 169
13. Penalties for over-crowding of public service vehicles .. 170
14. Amendment of law as to certain offences in connection with public stage carriages 172
15. Provisions as to vehicles used to carry passengers whilst unsafe 172
16. Provisions as to assignment of functions to police officers and constables 172
17. Cessation of licensing powers of certain local authorities 173
18. Powers of councils of county boroughs, and urban districts, &c., for regulation of traffic 174
19. Regulations by Ministry of Home Affairs for purposes of Part II of Act 176

PART III.

SUPPLEMENTAL.

20. Payments into and out of the Road Fund (Northern Ireland) 177
21. Penalties and legal proceedings 178
22. False statements and forgery or fraudulent use of licences, &c. 179
23. Provisions as to regulations and local inquiries .. 179
24. Saving and extent of application of Act 180
25. Interpretation 181
26. Commencement of Act and repeal 181
27. Short title 182

Schedule 183

MUNICIPAL CORPORATIONS :

Charter of incorporation 22

NATIONAL HEALTH INSURANCE .. .. ..

See ECONOMY (EXCHEQUER RELIEF). 45

NAVY, ARMY AND AIR FORCE INSURANCE FUND :

Contribution towards additional benefits 48

See ECONOMY (EXCHEQUER RELIEF).

OVERCROWDING Public Service Vehicles : 170

See MOTOR VEHICLES (TRAFFIC AND REGULATION).

PENSIONS (INCREASE) : 42

Confirmation of Agreement for deduction from Northern Ireland residuary share of reserved taxes 42

Percentage of increase 42

PETTY SESSIONS FUND :

Dogs Act Account 50

See ECONOMY (EXCHEQUER RELIEF).

PHARMACY AND POISONS :

Temporary provisions as to registrations and carrying on business 20

Digitized by Google

PAGE

PROTECTION OF ANIMALS (MISCELLANEOUS PROVISIONS): 144

PART I.

RESTRICTIONS IN RELATION TO PERFORMING ANIMALS.

1. Restriction on exhibition and training of performing animals 145
2. Power of courts to prohibit or restrict exhibition and training of performing animal 146
3. Power to enter premises 146
4. Offences against Part I of Act, &c. 147
5. Interpretation, rules and fees 148
6. Exceptions from application of Part I of Act .. 149

PART II.

PROVISIONS FOR THE FURTHER PROTECTION OF BIRDS.

7. Illegal method of taking birds 149
8. Illegal confinement of birds 149
9. Prohibition of shooting of captive birds 150
10. Offences against Part II of Act 150

PART III.

AMENDMENT OF PROTECTION OF ANIMALS ACT, 1911.

11. Amendment of s. 1 of 1 & 2 Geo. 5, c. 27 150

PART IV.

SUPPLEMENTAL.

12. Provisions as to prosecutions, fines, and appeals .. 150
13. Commencement of Act and Saving 151
14. Short title 151

QUEEN'S UNIVERSITY OF BELFAST:

Constitution of 66

RAILWAY AND HARBOUR CHARGES 12

See ADMINISTRATIVE PROVISIONS ACT.

RAILWAY MATTERS: 11

See ADMINISTRATIVE PROVISIONS ACT.

ROAD FUND:

Grants in aid of local expenditure 52

See ECONOMY (EXCHEQUER RELIEF).

Payments into and out of 177

See MOTOR VEHICLES (TRAFFIC AND REGULATION).

STALLIONS:

Duties of owners 155

Inspection of 156

Permits for 155

See HORSE BREEDING.

SUPERANNUATION OF TEACHERS:

Amalgamation of funds 98

See TEACHERS' SUPERANNUATION.

Digitized by Google

PAGE

TEACHERS' SUPERANNUATION :

1. Amalgamation of funds for purposes of teachers' pensions and superannuation schemes 98
2. Investment of Teachers' Superannuation Fund, accounts and statistics 99
3. Payments to be made into Teachers' Superannuation Fund 100
4. Payments to be made out of Teachers' Superannuation Fund 100
5. Additional provisions applicable to superannuation schemes 101
6. Provisions as to re-employment and duplicate pensions .. 103
7. Making of declaration prior to receipt of superannuation benefit 104
8. Reciprocal arrangements as to pensionable service of teachers 104
9. Power of Ministry of Finance to make regulations and decide questions 105
10. Interpretation and short title 105

UNEMPLOYMENT INSURANCE :

Confirming agreement between U. K. Treasury and Ministry of Finance, N.I. 1

See ECONOMY (EXCHEQUER RELIEF).

Extension of operation of Act, 1924 50

VEHICLES for public Service .. ..

See MOTOR VEHICLES. 168

WAR SERVICE PAYMENTS :

Bonus and Salary increments payment of by local authorities 134

See LOCAL GOVERNMENT (WAR SERVICE PAYMENT).

Digitized by Google

TABLE IV

STATUTES OF THE PARLIAMENT OF GREAT BRITAIN AND NORTHERN IRELAND passed in the year 1926 (16 & 17 GEO. 5). Applicable in Northern Ireland.

Chapter.	Subject Matter or Short Title.	
4	Unemployment Insurance (Northern Ireland Agreement).	
44	Supreme Court of Judicature of Northern Ireland.	
45	Fertilisers and Feeding Stuffs.	
49	Expiring Laws Continuance.	
53	Merchandise Marks.	

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google